NON-INTERVENTION—POPULAR SOVEREIGNTY.

SPEECH

OF

HON. S. A. DOUGLAS, OF ILLINOIS,

IN THE SENATE OF THE UNITED STATES, FEBRUARY 23, 1859,

IN REPLY TO

HON. A. G. BROWN, OF MISSISSIPPI,

IN

OPPOSITION TO THE PASSAGE OF A CODE OF LAWS BY CONGRESS TO PROTECT SLAVERY IN THE TERRITORIES,

AND

IN FAVOR OF BANISHING FROM THE HALLS OF CONGRESS ALL QUESTIONS TOUCHING DOMESTIC SLAVERY IN THE TERRITORIES, AND REMANDING THEM TO THE PEOPLE OF THE TERRITORIES, TO BE DISPOSED OF AS THEY MAY SEE PROPER, SUBJECT TO AN APPEAL TO THE JUDICIAL TRIBUNALS, TO TEST THE VALIDITY OF THE TERRITORIAL ENACTMENTS UNDER THE CONSTITUTION OF THE UNITED STATES,

TOGETHER WITH AN

APPENDIX,

SHOWING THE POSITION OF DISTINGUISHED PUBLIC MEN ON THIS QUESTION IN THE GREAT CONTESTS OF 1854 AND 1856.

WASHINGTON:
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1859.

SPEECH.

The question under consideration being the following amendment offered by Mr. HALE, of New Hampshire, to the bill making appropriations for the legislative, executive, and judicial expenses of the Government, for the year ending the 30th of June, 1860:

"*And be it further enacted*, That the first section of the act entitled 'An act for the admission of the State of Kansas into the Union,' approved May 4, 1858, be, and the same is hereby amended by striking out the following words, to wit: 'Whenever it is ascertained, by a census duly and legally taken, that the population of said Territory equals or exceeds the ratio of representation required for a member of the House of Representatives in the Congress of the United States; which words are hereby repealed."

Senator BROWN, of Mississippi, addressed the Senate, and upon the conclusion of his remarks—

Mr. DOUGLAS rose and said: Mr. PRESIDENT——

Mr. LANE. Mr. President, I rise to a question of order. I believe the call of the roll has been commenced, and debate cannot proceed without the unanimous consent of the Senate.

The PRESIDING OFFICER, (Mr. IVERSON in the chair.) The present occupant of the chair was not in the chair at the time the call of the roll commenced; but he inquired of the Secretary whether an answer to the call had been recorded, and he was told no; and that the roll was considered as not called.

Mr. BROWN. I can explain it. I was on the floor and had addressed the Chair; but the Vice-President did not hear me. I spoke again, and he still did not hear me. If there was a response it was out of order. Nobody had a right to answer while I was claiming the attention of the Chair. I rose precisely at the instant the Senator from New York was taking his seat.

The PRESIDING OFFICER. If the first person who had been called had answered yea or nay, debate would have been out of order; but there was no response to the call, and debate is in order.

Mr. DOUGLAS. If no other northern Democrat desires to be heard on the points presented by the Senator from Mississippi, I feel it incumbent on me to say something in vindication of my own position, reluctant as I am to occupy time at this stage of the session in a discussion of this question. I admire the frankness, candor, and directness with which that Senator has approached this question. No man can accuse him, none will suspect him, of a desire "to cheat or to be cheated;" and I hope that I shall be able to put my opinions on the record in a manner that will acquit me of the slightest suspicion of desiring to cheat or to be cheated. To a certain point, that Senator and myself agree. Then there comes divergence, which grows wider and wider the further we travel. We agree that, under the decision of the Supreme Court of the United States, slaves are property, standing on an equal footing with all other property; and that, consequently, the owner of a slave has the same right to emigrate to a Territory, and carry his slave property with him, as the owner of any other species of property has to move there, and carry his property with him.

Mr. DOOLITTLE. Will the honorable Senator allow me——

Mr. DOUGLAS. I am replying to the Senator from Mississippi now, and would prefer, therefore, to go on.

Mr. DOOLITTLE. I wish to put a question to the honorable Senator from Illinois on that point.

Mr. DOUGLAS. I desire to deal with this point now. At another time the Senator can present his point. The right of transit to and from the Territories is the same for one species of property as it is for all others. Thus far the Senator from Mississippi and myself agree—that slave property in the Territories stands on an equal footing with every other species of property. Now, the question arises, to what extent is property, slaves included, subject to the local law of the Territory? Whatever power the Territorial Legislature has over other species of property, extends, in my judgment, to the same extent, and in like manner to the slave property. The Territorial Legislature has the same power to legislate in respect to slaves, that it has in regard to any other property, to the same extent, and no further. If the Senator wishes to know what power it has over slaves in the Territories, I answer, let him tell me what power it has to legislate over every other species of property, either by encouragement or by taxation, or in any other mode, and he has my answer in regard to slave property.

But the Senator says that there is something peculiar in slave property, requiring further protection than other species of property. If so, it is the misfortune of those

who own that species of property. He tells us that, if the Territorial Legislature fails to pass a slave code for the Territories, fails to pass police regulations to protect slave property, the absence of such legislation practically excludes slave property as effectually as a constitutional prohibition would exclude it. I agree to that proposition. He says, furthermore, that it is competent for the Territorial Legislature, by the exercise of the taxing power, and other functions within the limits of the Constitution, to adopt unfriendly legislation which practically drives slavery out of the Territory. I agree to that proposition. That is just what I said, and all I said, and just what I meant by my Freeport speech in Illinois, upon which there has been so much comment throughout the country.

But the Senator says that while non-action by the Territorial Legislature excludes slavery; and, while the Territorial Legislature may, within the limits of the Federal Constitution, adopt such a system of unfriendly legislation as in effect to exclude slavery from its limits, yet it is wrong for the Legislature to pursue that policy; and, because the Territorial Legislature ought not to adopt that line of policy, he will not be content with such legislation, but will appeal to Congress, and demand a congressional code of laws protecting slavery in the Territories, in opposition to the wishes of the people. Well, sir, his conclusion is a logical one, unless my position is right. All men must agree that non-action by the Territorial Legislature is practical exclusion. If the people of a Territory want slavery, they will protect it by a slave code. If they do not want slavery; if they believe it is not necessary; if they are of opinion that their interests do not require it, or will be prejudiced by it, they will not furnish the necessary remedies and police regulations, usually called a slave code, for its protection.

The Senator from Mississippi says they ought to pass such a code; but he admits that it is immaterial to inquire whether they ought or ought not to do it; for if they do not want it, they will not enact it; and if they do not do it, there is no mode by which you can compel them to do it. He admits there is no compulsory means by which you can coerce the Territorial Legislature to pass such a law; and for that reason he insists that, in case of non-action by the Territorial Legislature, it is the right and duty of southern Senators and Representatives to demand affirmative action by Congress in the enactment of a slave code for the Territories. He says that it is not necessary to put the question to me, whether I would vote for a congressional slave code. He desires to know of all other northern Democrats what they will do; he does not wish an answer from me. I am much obliged to him for taking it for granted, from my past record, that I never would vote for a slave code in the Territories by Congress; and I have yet to learn that there is a man in a free State of this Union, of any party, who would.

Mr. MASON. Will the Senator be kind enough to explain what he means by a slave code?

Mr. DOUGLAS. Yes, sir. The Senator from Mississippi defined it very well in his speech. His position was, that while the Constitution gave him the right of protection in a Territory for his slave property, it did not, of itself, furnish adequate protection. He drew a distinction between the right and the fact, and said that the protection could only be furnished by legislation; that legislation could only come from one of two sources—the Territorial Legislature or the Congress of the United States. He would look to the Territorial Legislature in the first instance. If he got adequate legislation there, he was content; but if the Territorial Legislature failed to act, and give him that adequate legislation, in the form of what is commonly called a slave code, such non-action was equivalent to a denial of his rights; and, losing his rights, it was no consolation to him that he had been deprived of them by the non-action of a Territorial Legislature; and hence he would demand of Congress the passage of laws to protect his slaves, and to punish men for running them off; to furnish such remedies for the violation of his rights as he thought he was entitled to from the Territorial Legislature. He said he would demand this from Congress.

Mr. BROWN. Because the Territorial Legislature was the creature of Congress.

Mr. DOUGLAS. He further said that he would base his demand on Congress to pass this slave code on the ground that the Territorial Legislature was the creature of Congress; and, if it did not do its duty, Congress should pass such laws as were necessary to protect slave property in the Territories.

Mr. GREEN. Will the Senator permit me to ask him a single question?

Mr. DOUGLAS. Certainly.

Mr. GREEN. If a law merely providing protection is to be called a slave code, then, I ask, if larceny, in general terms, were punished by the Territorial law, and

the Legislature should except the larceny of slaves, would he say he would submit to that at the option of the Legislature?

Mr. DOUGLAS. It is immaterial to me, whether you call this legislation a slave code, or by any other name. I will call it by any name the Senator chooses. I wish to be understood, however, and to use such language as conveys the idea. I take the language of the Senator from Mississippi, if that is satisfactory. All I have to say, on the point presented by the Senator from Missouri, is this: while our Constitution does not provide remedies for stealing negroes, it does not provide remedies for stealing dry-goods, or horses, or any other species of property. You cannot protect any property in the Territories, without laws furnishing remedies for its violation, and penalties for its abuse. Nobody pretends that you are going to pass laws of Congress making a criminal code for the Territories, with reference to other species of property. The Congress of the United States never yet passed an act creating a criminal code for any organized Territory. It simply organizes the Territory, and leaves its Legislature to make its own criminal code. Congress never passed a law to protect any species of property in the organized Territories; it leaves its protection to the Territorial Legislatures. The question is, whether we shall make an exception as to slavery? The Supreme Court makes no such distinction. It recognizes slaves as property. When they are taken to a Territory, they are on an equal footing with other property, and dependent upon the same system of legislation, for protection, as other property. While all other property is dependent on the Territorial legislation for protection, I hold that slave property must look to the same authority for its protection.

Mr. GREEN. The Senator will permit me to say that I think he does not understand the point I presented, and I therefore desire to present it more explicitly. The Supreme Court having decided that slaves constitute property, if a Territory, authorized by Congress to legislate for itself, should pass a law punishing larceny of all property except slaves, would that make slaves equal to other property in the Territory? or would it not be a violation of the Constitution?

Mr. DOUGLAS. If the Senator cannot understand my answer to that question by what I have said, and the train of my argument, it is useless for me to discuss it further. I say that I leave all kinds of property, slaves included, to the local law for protection; and that I will not exert the power of Congress to interfere with that local law with reference to slave property, or any other kind of property. If the people think that particular laws on the subject of property are beneficial to their interests, they will enact them. If they do not think such laws are wise, they will refrain from enacting them. They will protect slaves there, provided they want slavery; and they will want slavery, if the climate be such that the white man cannot cultivate the soil, so as to render negro compulsory labor necessary. Hence, it becomes a question of climate, of production, of self-interest, and not a question of legislation, whether slavery shall, or shall not exist there.

But the Senator from Mississippi says he has a right to protection. The owner of every other species of property may say he has a right to protection. The man dealing in liquors may think that, inasmuch as his stock of liquors is property, he has a right to protection. The man dealing in an inferior breed of cattle, may think he has a right to protection; but the people of the Territory may think it is their interest to improve the breed of stock by discrimination against inferior breeds; and hence they may fix a higher rate of taxation on the one than on the other.

Mr. BROWN. The Senator from Illinois now makes a point which enables me to illustrate what I mean. I hold that the Territorial Legislature of Kansas—that being the Territory immediately involved in this discussion—has no right to enact the Maine liquor law. That is an act of sovereignty. It has the right to say that liquors carried into the Territory shall be so used as that they shall not corrupt the public morals nor endanger the public safety; but the power of prohibition does not belong to a Territorial Legislature. So I say in reference to slave property. As I said in my opening remarks this morning, while I demand justice, I will do justice. I hold that a Territorial Legislature has the right to regulate the relation between master and slave in such a manner that the master shall not permit the slave to endanger the public safety or corrupt the public morals. That is what I mean by the power to regulate; and not seeing the point at which a court could intervene and arrest this power if it were abused, I said it never would, or rarely ever present a case which we could get before the court and upon which we could demand its judgment. By this I understood the Senator from Illinois to mean unfriendly legislation; that in the exercise of its power to regulate the relation between master and slave, it could act with such severity as effectually to exclude slavery as though it were a constitutional inhibition. That is what I meant.

Mr. DOUGLAS. I am willing to test this question by the illustration the Senator presents of a Maine liquor law. I shall not stop to inquire whether the Maine liquor law is constitutional or not; first, because Congress is not the tribunal to decide it; and, secondly, because, in the platform to which the Senator from Mississippi and myself both stand pledged as the rule of our political action, it is provided that that question shall be sent to the court to test the constitutionality of the law, and we shall not come to Congress to repeal the law. When the Nebraska bill was first pending in the Senate, it contained the old clause that the territorial laws should be sent here, and, if disapproved by Congress, should be void. The discussion proceeded on the basis that we were conferring the whole power of legislation on the Territory, subject only to the Constitution of the United States, with the right in the Territorial Legislature "to form and regulate their domestic institutions in their own way;" and that if any man was aggrieved by such legislation, he should have a right to appeal to the Supreme Court of the United States to test its validity, but should not come to Congress to repeal the obnoxious law. When that argument was made, a distinguished Senator from Ohio, not now here, (Mr. CHASE,) asked us why we kept that clause in the bill requiring the laws of the Territory to be sent here for approval or disapproval? We could not answer the inquiry, and hence we struck out the provision requiring the Territorial laws to be sent here for approval or disapproval, upon the avowed ground at the time that the Territorial Legislature might pass just such laws as they wanted, with the right of appeal by any one aggrieved to the Supreme Court to test their constitutionality, but not to Congress to annul them. I undertake to say that this was the distinct understanding among the Northern and Southern Democrats at that time, and among all the friends of the Kansas-Nebraska bill. It was agreed that while we might differ as to the extent of the power of the Territorial Legislature on these questions, we would make a full grant of legislative authority to the Legislature of the Territory, with the right to pass such laws as they chose, and the right of anybody to appeal to the court to decide upon the validity and constitutionality of such laws, but not to come to Congress for their annulment. Hence, if the Territorial Legislature should pass the Maine liquor law, and anybody was dissatisfied with the provisions of that act, and thought it violated his constitutional right, he could not come to Congress for its annulment, but could appeal to the Supreme Court of the United States; and if that court decided the law to be constitutional, it must stand, no matter how obnoxious it might be to any portion of the American people. If it was unconstitutional, it became void without any interference by Congress, or any other legislative body. The Kansas-Nebraska bill was thus amended for the avowed purpose, at the time, of striking out the appeal to Congress, and substituting the appeal to the court.

After we had gone that far, a Senator from New Hampshire pointed out in the Nebraska bill the fact that no appeal could be taken to the Supreme Court of the United States unless the amount of property in controversy was $2,000 in value, and hence that a negro could not appeal for his freedom, nor could the owner of a single slave appeal to the Supreme Court to establish his title, if he thought that his rights were violated. In order to obviate that objection, we amended the bill by providing that where the title to property in slaves, or any question of personal freedom was the point in issue, the right of appeal to the Supreme Court should exist without reference to the amount in controversy.

Thus the Kansas-Nebraska bill stood, granting all rightful power of legislation on all subjects whatsoever to the Territorial Legislature, subject only to the Constitution of the United States, provided they should not pass any law taxing the property of non-residents higher than that of residents, nor any law interfering with the primary disposition of the soil, nor impose any tax on the property of the United States. But there was no exception made as to slavery. The intent was to confer on the Territorial Legislature all the power we had on the subject of slavery, to let them wield it for or against free institutions, as the people of the Territory chose; and the understanding was, that we would abide by whatever laws they might make, provided they did not violate the Constitution of the United States; and the Supreme Court was the only tribunal that could decide that question.

Now, sir, I stand on the Kansas-Nebraska bill as it was expounded and understood at the time, with this full power in the Territorial Legislature, with the right of appeal to the Supreme Court to test the validity of its laws, and no right whatever to appeal to Congress to repeal them in the event of our not liking them. I am ready to answer the inquiry of the Senator from Mississippi, whether, if I believed the Maine liquor law to be unconstitutional and wrong, and if a Territorial Legislature should pass it, I would vote here to annul it? I tell him no. If the people

of Kansas want a Maine liquor law, let them have it. If they do not want it, let them refuse to pass it. If they do pass it, and any citizen thinks that law violates the Constitution, let him make a case and appeal to the Supreme Court. If the court sustains his objection, the law is void. If it overrules the objection, the decision must stand until the people, who alone are to be affected by it, who alone have an interest in it, may choose to repeal it. So I say with reference to slavery. Let the Territorial Legislature pass just such laws in regard to slavery as they think they have a right to enact under the Constitution of the United States. If I do not like those laws, I will not vote to repeal them; if you do not like them, you must not vote to repeal them; but anybody aggrieved may appeal to the Supreme Court, and if they are constitutional, they must stand; if they are unconstitutional, they are void. That was the doctrine of non-intervention, as it was understood at the time the Kansas-Nebraska bill was passed. That is the way it was explained and argued in the Senate and in the House of Representatives and before the country. It was distinctly understood that Congress was never to intervene for or against slavery, or for or against any other institution in the Territories; but leave the courts to decide all constitutional questions as they might arise, and the President to carry the decrees of the court into effect; and, in case of resistance to his authority in executing the judicial process, that he was to use, if necessary, the whole military force of the country, as provided by existing laws.

I know that some gentlemen do not like the doctrine of non-intervention as well as they once did. It is now becoming fashionable to talk sneeringly of "your doctrine of non-intervention." Sir, that doctrine has been a fundamental article in the Democratic creed for years. It has been repeated over and over again in every national Democratic platform—non-intervention by Congress with slavery in the States and Territories. The Nebraska bill was predicated on that idea—the Territorial Legislature to have jurisdiction over all rightful subjects of legislation, not excepting slavery, with no appeal to Congress, but a right to appeal to the courts; and the legislation to be void, if the Supreme Court said it was unconstitutional, and valid, no matter how obnoxious, if the court said it was constitutional. Let me call attention to the language of the Kansas-Nebraska bill. Its fourteenth section provides:

"That the Constitution and all laws of the United States, which are not locally inapplicable, shall have the same force and effect in the said Territory of Nebraska, as elsewhere within the United States, except the eighth section of the act 'preparatory to the admission of Missouri into the Union,' approved March 6, 1820, *which, being* INCONSISTENT WITH THE PRINCIPLE OF NON-INTERVENTION BY CONGRESS WITH SLAVERY *in the States* AND TERRITORIES, *as recognized by the legislation of* 1850, *commonly called the compromise measures*, IS HEREBY DECLARED INOPERATIVE *and* VOID; *it being the true intent and meaning of this act not to legislate slavery into any State or* TERRITORY, *nor to exclude it therefrom, but to leave the people* THEREOF *perfectly* FREE TO FORM AND REGULATE THEIR DOMESTIC INSTITUTIONS IN THEIR OWN WAY, SUBJECT ONLY TO THE CONSTITUTION OF THE UNITED STATES."

Thus, in the Nebraska bill, it is declared that a congressional enactment on the subject of slavery is inconsistent with the principle of non-intervention by Congress with slavery in the States and Territories. This same article of faith has gone into the various Democratic platforms, and especially into the Cincinnati platform. Every Democrat, therefore, is pledged, by his platform and the organization of the party, against any legislation of Congress in the Territories for or against slavery, no matter how obnoxious the territorial legislation may be. If it is unconstitutional, you have your remedy; go to the court and test the question. If it is constitutional, you have agreed that the people of a Territory may have it. I hold you to the agreement.

Mr. CLAY. Will the Senator permit me to ask him a question?

Mr. DOUGLAS. Certainly, with great pleasure.

Mr. CLAY. I ask the Senator whether he believes that a citizen of the Southern States has a right to carry his slaves into the Territories under the Constitution?

Mr. DOUGLAS. When the Senator gets through with his question, I will answer.

Mr. CLAY. I should like the Senator to answer.

Mr. DOUGLAS. I do not like this thing of requiring categorical answers, when the Senator who puts the question holds the floor. When he gets through, I will give him an answer.

Mr. CLAY. If the Senator does not answer it, I will answer it. I think the citizen has that right. When I am asked whence he derives the right, I say from the Constitution. The Supreme Court has so decided. Then, I ask the Senator, if the Constitution gives the right, how can the Territory deny it? and if the Territory pass a law inhibiting the introduction of slaves there, where is his redress? The Senator

says, in the Supreme Court. Suppose he takes a slave there; suppose it is stolen from him, and he brings an action for its recovery, and the local court decides against him, and he brings his case to the Supreme Court by appeal, and the Supreme Court decides that the law inhibiting slavery is unconstitutional, and that he has a right to hold the slave; what redress is given to him if Congress will not secure his rights? The result is just this: that if the Senator be right, the Constitution prevails in the States, but not in the Territories; squatter sovereignty is superior to the Constitution.

Mr. DOUGLAS. I will answer the Senator's question. First, I do not hold that squatter sovereignty is superior to the Constitution. I hold that no such thing as sovereign power attaches to a Territory while a Territory. I hold that a Territory possesses whatever power it derives from the Constitution under the organic act, and no more. I hold that all the power a Territorial Legislature possesses is derived from the Constitution and its amendments, under the act of Congress; and because I hold that, I denied last year that the people of a Territory, without the consent of Congress, could assemble at Lecompton and create an organic law for that people. I denied the validity of your Lecompton constitution, for the reason that constitutions can only be made by sovereign power; and because the Territory was not a sovereignty, that was not a constitution, but a petition. But, sir, I will not occupy time on that question. The limit of the authority of a Territorial Legislature is the organic act and the Constitution and its amendments. The organic act of Kansas provides, in its sixth section:

"That the legislative power of the Territory shall extend to all rightful subjects of legislation consistent with the Constitution of the United States and the provisions of this act; but no law shall be passed interfering with the primary disposition of the soil," &c.

The whole legislative power possessed by Congress over a Territory was, by that act, conferred on the Territorial Legislature. There were exceptions on three points; but slavery was not one of the exceptions. I say, then, the intent was to give to the Territorial Legislature all the power that we possessed; all that could be given under the Constitution; and the understanding was, that Congress would not interfere with whatever legislation they might enact.

Now, the Senator from Alabama asks me whether the Southern people, under the Constitution, have not the right to carry their slaves there? I answer, yes—the same right that you have to carry any other property. Then you ask, have they not a right to hold it there when they get it there? I answer, the same right that you have to hold any other property, subject to such local laws as the local Legislature may constitutionally enact. Can you hold any other property without law to protect it? No. Then, can you hold slave property without law to protect it? No, is the answer. Then, will Congress pass laws to protect other property in the Territories? I answer, no. We have created Territorial Legislatures for that purpose.

We agreed that this Government should not violate the principles of our Revolution, by making laws for a distant people regulating their domestic concerns, and affecting their rights of property, without giving them a representation. The doctrine that Congress is to regulate the rights of person and property, and the domestic concerns of a Territory, is the doctrine of the Tories of the Revolution. It is the doctrine of George III. and Lord North, his minister. Our fathers then said that they would not consent that the British Parliament should pass laws touching the local and domestic concerns of the colonies, the rights of person and property, the family relations of the people of the colonies, without their consent. The Parliament of Great Britain said they had the power. We said to them "you may have the power, but you have not the moral right; it is violative of the great principles of civil liberty; violative of the rights of an Englishman, not to be affected in his property without his consent is given through his representative." Because Great Britain insisted on exercising that identical power over these colonies, our fathers flew to arms, asserted the doctrine that every colony, every dependency, every Territory, had a right in its own domestic Legislature to pass just such laws as its people chose touching their local and domestic concerns, recognizing the right of the Imperial Parliament to regulate imperial affairs, as I do the right of Congress to regulate the national and Federal concerns of the people of a Territory.

Sir, I am asserting, on behalf of the people of the Territories, just those rights which our fathers demanded for themselves against the claims of Great Britain. Because those rights were not granted to our fathers, they went through a bloody war of seven years. Am I now to be called upon to enforce that same odious doctrine on the people of a Territory, against their consent? I say, no. Organize a Territorial government for them; give them a Legislature, to be elected by their

own people; give them all the powers of legislation on all questions of a local and domestic character, subject only to the Constitution; and if they make good laws, let them enjoy their blessings; and if they make bad laws, let them suffer under them until they repeal them. If the laws are unconstitutional, let those aggrieved appeal to the court—the tribunal created by the Constitution to ascertain that fact. That is the principle which we stood upon in 1854. It was on that principle and that understanding we fought the great political battle and gained the great victory of 1856. How many votes do you think Mr. Buchanan would have obtained in Pennsylvania if he had then said that the Constitution of the United States plants slavery in all the Territories, and makes it the duty of the Federal Government to keep it there and maintain it at the point of the bayonet and by Federal laws, in opposition to the will of the people? How many votes would he have received in Ohio, or any other free States, on such a platform? Mr. Buchanan did not then understand the doctrines of popular sovereignty and self-government in that way.

Mr. BIGLER. Mr. President——

Mr. DOUGLAS. I will hear the Senator.

Mr. BIGLER. I shall not attempt to answer the honorable Senator's question; but he will pardon me for asking another, which I think quite as significant and quite as appropriate, and it is this: Suppose that in the campaign of 1856, instead of saying as that honorable Senator said, and as those who acted with him said, and as I said everywhere to the people of the States, who were about to emigrate to the Territories, "when you go there, you carry with you all the rights you enjoy in a sovereign State;" saying as he said and as I said, "it is but the extension of the great principle of self government to the Territories;" suppose we had said to those proud people, "when there, and in the matter of changing your government from a Territory to a State, you shall have the high privilege of exercising the right to petition Congress for a redress of grievances?" They would have asked that Senator and me when it was, and where it was, that the American citizen had not a right to petition for a redress of grievances, whether white or black.

Mr. DOUGLAS. Mr. President, I shall not answer that part of the Senator's inquiry as to whether American citizens, white or black, have not the right to petition for a redress of grievances, because I do not recognize any black American citizens. I have no colored brethren of that description. (Laughter and applause in the galleries.) I know of no American citizens in this Republic except the white people, and I trust in God I shall never know any other kind. (Applause in the galleries.)

Mr. BIGLER. I know that as well as the Senator; and I ought to have said inhabitants.

The PRESIDING OFFICER, (Mr. IVERSON in the chair.) If there is any more interruption in the galleries, the Chair will order the galleries to be cleared.

Mr. MASON. If there is any more disturbance in the galleries, I shall certainly move and insist that the galleries be cleared.

The PRESIDING OFFICER. The Chair will order the galleries to be cleared at once if there is any further interruption.

Mr. DOUGLAS. I assert that in 1856, during the whole of that campaign, I took the same position I do now, and none other; and I will show that Mr. Buchanan pledged himself to the same doctrine when he accepted the nomination of the Cincinnati convention. In his letter of acceptance he says, referring to the Kansas-Nebraska act:

"The recent legislation of Congress, respecting domestic slavery, derived, as it has been, from the original and pure fountain of legitimate political power, the will of the majority, promises ere long to allay the dangerous excitement. This legislation is founded upon principles as ancient as free government itself, and, in accordance with them, has simply declared that the people of a Territory, like those of a State, shall decide for themselves whether slavery shall or shall not exist within their limits."

This extract from Mr. Buchanan's letter shows that he then understood that the people of a *Territory, like those of a State*, should decide for themselves whether slavery should or should not exist within their limits. I undertake to say, that wherever I went that year, his cause was advocated on that principle, as laid down in his letter of acceptance. The people of the North, at least, certainly understood him to hold the doctrine of self-government in Territories as well as in States, and as applicable to slave property as well as to all other species of property. I undertake to say, that he would not have carried one half the Democratic vote in any free State, if he had not been thus understood; and I hope my friend from Mississippi had no allusion to this letter, when he said that in the next contest he did not

desire "to cheat nor to be cheated." I am glad that the Senator from Mississippi means to have a clear, unequivocal, specific statement of our principles, so that there shall be no cheating on either side. I intend to use language which can be repeated in Chicago as well as in New Orleans, in Charleston the same as in Boston. We live under a common Constitution. No political creed is sound or safe which cannot be proclaimed in the same sense wherever the American flag waves over American soil. If the North and the South cannot occupy a common ground on the slavery question, the sooner we know it the better. The Democracy of the North hold, at least, that the people of a Territory have the same right to legislate in respect to slavery, as to all other property; and that, practically, it results in this: if the people want slavery, they will have it; and if they do not want it, it shall not be forced upon them by an act of Congress. The Senator from Mississippi says that doctrine is right, unless we pass an act of Congress compelling the people of a Territory to have slavery whether they want it or not. The point he wishes to arrive at, is whether we are for or against congressional intervention. If you repudiate the doctrine of non-intervention, and form a slave code by act of Congress, when the people of a Territory refuse it, you must step off the Democratic platform. We will let you depart in peace, as you no longer belong to us; you are no longer of us when you adopt the principle of congressional intervention, in violation of the Democratic creed. I stand here defending the great principles of non-intervention by Congress, and of self-government by the people of the Territories. That is the Democratic creed. The northern Democracy have so understood it. No Democratic State in the North ever would have voted for Mr. Buchanan, but for the fact that he was understood to occupy that position. I tell you, gentlemen of the South, in all candor, I do not believe a Democratic candidate can ever carry any one Democratic State of the North on the platform that it is the duty of the Federal Government to force the people of a Territory to have slavery when they do not want it. But if the true principles of State-rights and popular sovereignty be maintained and carried out in good faith, as set forth in the Nebraska bill, and understood by the people in 1856, a glorious future awaits the Democracy.

If we cannot stand together upon that principle there is no use of any angry excitement; no use of any violent controversy; no necessity for crimination or recrimination. The Senator from Mississippi has stated his position clearly and in a spirit of kindness. I trust that I have met him with equal kindness and frankness. I am sorry to have been under the necessity of occupying the time of the Senate in the discussion of this question at this late period of the session; but I am sure the Senate will do me the justice to say that I could not have been silent after the speech of my friend from Mississippi, without defending the position which was so severely and so ably assailed by him. I trust that I shall not be under the necessity of trespassing longer upon the time of the Senate upon these collateral questions.

NOTE BY MR. DOUGLAS.

The debate was continued at considerable length by several Senators, some of whom emphatically repudiated the idea that it was the intention of the Kansas-Nebraska act to affirm the *principle of* NON-INTERVENTION BY CONGRESS WITH SLAVERY IN THE TERRITORIES, whereby all questions pertaining to African slavery, as well as all other matters of domestic concern, were banished from the halls of Congress and remanded to the people of the Territories respectively, to be disposed of as they should see proper, subject only to the constitution, with the right of appeal by any person feeling aggrieved by the territorial legislation, to the judicial tribunals to determine the validity of such enactments under the Constitution of the United States.

They went farther, and insisted that it is the duty of Congress to intervene and enact a code of laws to protect slavery in the Territories whenever the Territorial Legislature may fail or refuse to provide such legislation.

One Senator (Mr. Gwin) declared, that if he had understood the Kansas-Nebraska bill at the time of its passage as I now construe it, he never would have voted for it.

Inasmuch as I was deposed from the position of Chairman of the Committee on Territories, which I had held for eleven years in the Senate and two years in the House of Representatives, BECAUSE OF MY FIRM ADHERENCE TO THE PRINCIPLE OF NON-INTERVENTION AND POPULAR SOVEREIGNTY in the Territories, as defined in the Kansas-Nebraska act, I should have referred to the debates in 1854, when that act was passed, and in 1856 when Mr. Buchanan was elected President on the *distinct issue of* "NON-INTERVENTION AND POPULAR SOVEREIGNTY," to show, by extracts from speeches and the public records, what was the true construction of the Kansas-Nebraska act, had not the debate been sprung upon the Senate suddenly, without affording opportunity for an examination of the debates and public records. But an intelligent and esteemed friend has since made a thorough examination into the whole subject, and has submitted to me his report, which I believe to be fair and impartial, and which I annex to these remarks as an Appendix.

APPENDIX.

Extract from the report of the Committee on Territories, accompanying the Nebraska bill, when first reported to the Senate by Mr. DOUGLAS, Chairman, January 4, 1854:

"In the judgment of your committee, these measures (Compromise measures of 1850) were intended to have a far more comprehensive and enduring effect than the mere adjustment of the difficulties arising out of the recent acquisition of Mexican teritory. They were designed to establish certain great principles, which would not only furnish adequate remedies for existing evils, but IN ALL TIME TO COME, AVOID THE PERILS OF A SIMILAR AGITATION, BY WITHDRAWING THE QUESTION OF SLAVERY FROM THE HALLS OF CONGRESS AND THE POLITICAL ARENA, AND COMMITTING IT TO THE ARBITRAMENT OF THOSE WHO WERE IMMEDIATELY INTERESTED IN AND ALONE RESPONSIBLE FOR ITS CONSEQUENCES."

Extract from the speech of Mr. DOUGLAS, closing the debate in the Senate, on the night of the passage of the Kansas-Nebraska act, March 3, 1854:

"Mr. President, as there has been so much misrepresentation upon this point, I must be permitted to repeat, that the doctrine of the report of the committee, as has been conclusively proved by these extracts, is—

"First, *That the whole question of slavery should be withdrawn from the halls of Congress and the political arena, and committed to the arbitrament of those who are immediately interested in and alone responsible for its existence.*

"Second, *In applying this principle to the Territories and the new States to be formed therefrom, all questions pertaining to slavery were to be referred to the people residing therein.*

"Third, That the committee proposed to carry these propositions and principles into effect in the precise language of the Compromise measures of 1850.

"Are not these propositions identical with the principles and provisions of the bill on your table? If there is a hair's breadth of discrepancy between the two, I ask any Senator to rise in his place and point it out? *Both rest upon the great principle which forms the basis of all our institutions—that the people are to decide the question for themselves, subject only to the Constitution.*"—(*See Appendix Cong. Globe, 1st Sess. 33d Cong., vol. 29, p. 327.*)

Extract from the remarks of Hon. W. A. RICHARDSON, of Illinois, (who, as Chairman of the Committee on Territories in the House of Representatives, reported the Kansas-Nebraska bill to that body) January 12, 1856:

"The Constitution does not, in my opinion, carry the institutions of any of the States into any of the Territories; but it affords the same protection there to the institution of one State as of another. The citizen of Virginia is as much entitled in the common Territory to the protection of his property under the Constitution as the citizen of Illinois; *but both are dependent upon the legislation of the territorial government for laws to protect their property of whatever kind it may be. Thus it will be seen that though there may be upon this point a difference theoretically—involving questions for judicial decision—yet there is none, practically, among the friends of* NON-INTERVENTION BY CONGRESS, AS THE PRACTICAL RESULT IS TO PLACE THE DECISION OF THE QUESTIONS IN THE HANDS OF THOSE WHO ARE MOST DEEPLY INTERESTED IN ITS SOLUTION, NAMELY, THE PEOPLE OF THE TERRITORY, *who have made it their home, and whose interests are the most deeply involved in the character of the institutions under which they are to live.* If this great principle of non-intervention and self-government is wrong, then indeed the American Revolution was fought in vain, and it is time we cease to venerate the memory of the patriotic dead who purchased with their fortunes and blood the free institutions of the several separate, independent and coequal States, forming the Union under which we have so prosperously and happily grown to be so great."—(*See Congressional Globe, 1st Sess. 34th Cong., part 1, pages 222, 223.*)

Extract from the speech of GENERAL LEWIS CASS, of Michigan, (now Secretary of State of the United States,) in the Senate of the United States, May 20, 1854:

"It is up hill work, Mr. President, in this country, for any man, however splendid his talents or commanding his position, to contend against this doctrine. It landed with our fathers upon the beach of Jamestown and the Rock of Plymouth, and has been treasured in their hearts through all their trials and difficulties to this, the great day of its glorious consummation. It has accompanied the pioneers through the passes of the Rocky Mountains, and has planted itself, with the beloved flag of our country, upon the very shores that look out upon China and Japan. 'Oh! squatter sovereignty, where were you then?' emphatically asks its great opponent, alluding to territorial history. I was then—may then be answered to this invocation. I was then in the Declaration of Independence, and I am now, as ever, in the hearts of the American people, and am firmly established in the tables of their law. The relations between the Territories and the General Government are not well defined by the Constitution.

"There are those, and I am among them, who find no authority in that instrument for Congressional action in this matter, and can justify it only from the necessity of the case. Others contend that the jurisdiction is unlimited; while many, though willing to accept a limitation, can with difficulty define it. But whatever theoretical opinions may prevail upon this subject, Congress has never practically asserted the right of entire legislation; and, indeed, with some unimportant exceptions, and a single important one—the slavery proviso—the internal concerns of the Territories have been managed by their local governments. The action of the General Government has been mostly confined to organize laws, laying down the principles of administration with political privileges, formerly more restricted, but latterly much enlarged.

"Now, here is room for an honest difference of opinion as to the extent of Congressional legislation. All agree that the initiatory measure of organization should be taken by Congress, though unanimity cannot be expected in its details. For myself, I concede the largest exemption compatible with the relations of the parties supreme and subordinate. But when you come to the appointment of officers to the powers of legislation, and to all the other questions involved in political society, you touch subjects necessarily giving rise to diversity of opinion. While all has not been granted, comparatively little has been withheld. Freedom—the rights of persons and property—are quite as well secured in the Territories as in the States, and acts of oppression as rare, and, when happening, just as sure to be redressed and punished. The supervisory power exercises its authority with moderation; and these distant communities find their situation free from practical injurious restraint.

"This state of things in its general principles was the very condition of the American Colonies, when our fathers claimed non-intervention from British interference, which was extending itself into all the concerns of life. They did not lose themselves in the mazes of political metaphysics. They did not deny there was a practical boundary to a principle, though they could not find a stone wall against which to break their heads. They did not claim independence at the commencement of the controversy. They did not want it. They conceded to England the just right to establish governments, and to exercise a general supervisory authority over them; but they denied to her the authority to interfere in their internal domestic concerns, claiming the right to manage these for themselves; and as they could not get that right peaceably, they sought it by arms, and obtained it by such suffering and trials as no people ever before encountered and survived. They did not protest against the appointment of the governors and some other officers by the Crown, nor against the exercise of a general superintending authority by the Parliament. And now, when a century since the commencement of this contest of weakness, and right against power and injustice, is fast hastening to its completion, we are gravely told by many citizens of New York, and by the acknowledged exponents of their views here, that this claim of political exemption was all a *transparent sham;* and, in affect, that the patriarchs of the Revolution were *ignoramuses;* for, as they did not demand sovereignty, complete release from British control, they demanded nothing worth having. And, therefore, when a local political community is connected in bonds of subordination with a more general one, and is allowed as great a measure of political freedom, as is compatible with this relation, if it do not aspire to and obtain complete independence, despotism is better than free local legislation. And I return my thanks to the honorable Senator from Louisiana, (Mr. BENJAMIN,) for the

eloquent illustration of the true principles which we have just heard from him. I listened to him, as did the Senate, with the deepest interest. I have rarely witnessed in my Congressional experience an effort marked with higher powers of oratory."—(*See Appendix Congressional Globe, 1st Session, 33d Congress, vol. 29, p. 772.*)

Extract from a speech of Hon. ISAAC TOUCEY, of Connecticut, (now Secretary of the Navy,) delivered in the Senate of the United States, March 3, 1854:

"*It was the principle of non-intervention which Congress adopted;* and that principle was carried out during the first thirty years of the Government, and until the generation upon the stage, when the Constitution was adopted, the men who, by their votes, adopted it had passed away. I know, sir, that in these facts of the legislative history of the country, I am not mistaken; and if the honorable Senator from Ohio applied his proposition as to the early policy of the country to a period *anterior* to the formation of the Constitution, which it seems he did, I should have no occasion to say anything upon that subject, because it has nothing to do with the policy of this Government under the Constitution. I confine myself to the policy of the Government since the adoption of the Constitution; *for by that Constitution a new policy was instituted, and the Constitution never could have been adopted, it never would have been considered by half the States of this Union, if any principle of* INTERVENTION *had been carried into it. I repeat, sir, that if the principle of intervention with this institution had been carried into the Constitution it never would have been adopted, and this Government never would have been established.*

"*Sir, this principle of non-intervention is one of the leading principles of the Constitution.* It is a legitimate inference from the general arrangement of powers between the States and the Federal Government."—(*See Appendix Congressional Globe, vol. 29, p. 316.*

Again, in the Senate, July 2, 1856, Mr. TOUCEY said:

"Mr. President, as much has been said on this subject, I desire to say a word in explanation of my vote. The original act is as explicit as it is possible to be. The words "subject to the Constitution" make no difference. *The original act recognizes as in the Territorial Legislature, all the power which they can have subject to the Constitution and subject to the organic law of the Territory. There is no ambiguity. It is as explicit as language can make it. The only doubt which arises is as to the meaning of the Constitution.* THAT WE CANNOT DEFINE; THAT IS A QUESTION EXCLUSIVELY FOR THE JUDICIAL TRIBUNALS."—(*See Appendix Congressional Globe, vol. 33, p. 797.*)

Extract from a speech of the Hon. HOWELL COBB of Georgia, (now Secretary of the Treasury,) delivered before the people of West Chester, Pennsylvania, September 19th 1856, in advocacy of James Buchanan's election to the Presidency:

"*I stand upon a principle. I hold that the will of the majority of the people of Kansas should decide this question; and I say here to-night before this people and before this country, that I, for one shall abide the decision of the people there. I hold to the right of the people to self-government. I am willing for them to decide this question.* If I be a member of Congress when this question shall come before that body, if a majority of the people there decide in favor of slavery being a part of their institutions, I shall vote for their admission with their pro-slavery constitution; if, on the other hand, a majority of the people there decide that they do not want slavery and present a free-State Constitution, I will vote for their admission into the Union as a free State in obedience to the voice and will of the people. (Applause.) I stand by my principles; I intend to carry them out; I care not how they operate. Principles are dearer to me than the results of any election, any contest in Kansas. *I would not plant slavery upon the soil of any portion of God's earth against the will of the people. The Government of the United States should not force the institution of slavery upon the people either of the* "TERRITORIES" *or of the States against the will of the people, though my voice could bring about that result.* I stand upon the principle;—the people of my State decide it for themselves, you for yourselves, the people of Kansas for themselves. (Applause.) That is the Constitution, and I stand by the Constitution."

(A gentleman here interrupted Mr. Cobb, with his consent, to inquire whether he meant that the people of the Territory, before forming their constitution, should

have the power to exclude slavery, or that they should have the power to pass upon it when they form their constitution. He also desired the speaker to explain not only his view on the subject, but also the view which is advocated by those who stand with him in the Southern States, and support Mr. Buchanan.)

Mr. Cobb, resuming, said: "Fellow-citizens, there never has been, in all the history of this slavery matter, a more *purely theoretical issue*, than the one involved in the question propounded to me by my friend, and I will show it to you. *I will state to you the positions of the advocates of this doctrine of non-intervention, on which there are different opinions held; but I will show you that it is the purest abstraction, in a practical point of view, that ever was proposed for political discussion.* There are those who hold that the Constitution carries all the institutions of this country into all the territories of the Union; that slavery, being one of the institutions recognized by the Constitution, goes with the Constitution into the territories of the United States; and that when the territorial government is organized, the people have no right to prohibit slavery there, until they come to form a State constitution. That is what my friend calls "Southern doctrine." There is another class who hold that the people of the territories, in their territorial state, and whilst acting as a territorial legislature, have a right to decide upon the question whether slavery shall exist there during their territorial state; and that has been dubbed "squatter sovereignty." Now, you perceive that there is but one point of difference between the advocates of the two doctrines. Each holds that the people have the right to decide the question in the territory; one holds that it can be done through the territorial legislature, and whilst it has a territorial existence, the other holds that it can be done only when they come to form a State constitution. BUT THOSE WHO HOLD THAT THE TERRITORIAL LEGISLATURE CANNOT PASS A LAW PROHIBITING SLAVERY, ADMIT THAT UNLESS THE TERRITORIAL LEGISLATURE PASS LAWS FOR ITS PROTECTION, SLAVERY WILL NOT GO THERE. THEREFORE, PRACTICALLY A MAJORITY OF THE PEOPLE REPRESENTED IN THE TERRITORIAL LEGISLATURE DECIDES THE QUESTION. WHETHER THEY DECIDE IT BY PROHIBITING IT, ACCORDING TO THE ONE DOCTRINE, OR BY REFUSING TO PASS LAWS TO PROTECT IT, AS CONTENDED FOR BY THE OTHER PARTY, IS IMMATERIAL. THE MAJORITY OF THE PEOPLE BY THE ACTION OF THE TERRITORIAL LEGISLATURE WILL DECIDE THE QUESTION; AND ALL MUST ABIDE THE DECISION WHEN MADE. (Great applause.)

"My friend, you observe that—no matter what the issue which is presented—I stand upon a principle. There I planted myself in the commencement of this argument—the right of the people to self-government. I intend to maintain it, to stand by it, to carry it out, to enforce it. If it operate to the exclusion of the people of my section of the country from these territories, be it so; it is the Constitution of the country, and they have no right to complain. If it operate in their behalf and for their protection, I call upon you to say, is it not right that they should have the benefit of it?"

Extracts from a speech of the Hon. JOHN C. BRECKINRIDGE, of Kentucky, (now Vice-President of the United States,) in the House of Representatives, March 23, 1854:

"But if non-intervention by Congress be the principle that underlies the compromise of 1850, then the prohibition of 1820, being inconsistent with that principle, should be removed, AND PERFECT NON-INTERVENTION THUS BE ESTABLISHED BY LAW.

"Among the many misrepresentations sent to the country by some of the enemies of this bill, perhaps none is more flagrant, *than the charge that it proposes to legislate slavery into Nebraska and Kansas. Sir, if the bill contained such a feature it would not receive my vote.* THE RIGHT TO ESTABLISH INVOLVES THE CORRELATIVE RIGHT TO PROHIBIT, AND DENYING BOTH, I WOULD VOTE FOR NEITHER. I go further, and express the opinion that a clause legislating slavery into those Territories could not command one Southern vote in this House. It is due to both sections of the country and to the people, to expose this groundless charge. What, then, is the present condition of Nebraska and Kansas? Why, sir, there is no government, no slavery, and very little population there; (for your Federal laws exclude your citizens;) but a law remains on the statute-book forever, prohibiting slavery in these Territories. It is proposed simply to take off this prohibition, but not to make an enactment in affirmance of slavery there. Now, in the absence of any law establishing slavery in that region, previous to the prohibiting act; it is too clear for dispute, that the repeal of the prohibition has not the affirmative effect of fixing slavery in that country. *The effect of the repeal, therefore, is neither to establish nor to exclude, but to leave the future condition of the Territories*

dependent wholly upon the action of the inhabitants, subject only to such limitations as the Federal Constitution may impose. But to guard fully against honest misconstruction, and even against malicious perversion, the language of the bill is perfectly explicit on this point." * * * * * * *

"It will be observed, that the right of the people to regulate in their own way, all their domestic institutions, is left wholly untouched, except that whatever is done must be done in accordance with the Constitution—the supreme law for us all. *And the rights of property under the Constitution, as well as legislative action, is properly left to the decision of the Federal judiciary.* This avoids a contested issue which it is hardly in the competency of Congress to decide, and refers it to the proper tribunal." * * * * * * * * * *

"Then, sir, neither the purpose nor the effect of the bill is to legislate slavery into Nebraska and Kansas; but its effect is to sweep away this vestige of Congressional dictation on this subject, to allow the free citizens of this Union to enter the common territory with the Constitution and the bill alone in their hands, and to remit the decision of their rights under both, to the courts of the country. Who can go before his constituents refusing to stand on the platform of the Constitution? Who can make a case to them of refusing to abide the decision of the courts of the Union?" * * * * * * * * * * *

"Sir, I care nothing about refined distinctions or the subtleties of verbal criticism. I repeat the broad and plain proposition, that if Congress may intervene on this subject, it may intervene on any other, and having thus surrendered the principle, and broken away from constitutional limitations, you are driven into the very lap of arbitrary power. By this doctrine, you may erect a despotism under the American system. The whole theory is a libel on our institutions. It carries us back to the abhorrent principles of British colonial authority, against which we made the issue of Independence. I have never acquiesced in this odious claim, and will not believe that it can abide the test of public scrutiny."—(*See speech of Hon.* JOHN C. BRECKINRIDGE, *H. of Reps., March* 23, 1854, 1*st Sess.* 33*d Cong., Appendix Cong. Globe, vol.* 29, *page* 441.)

Mr. BRECKINRIDGE in a speech at Lexington, Kentucky, in response to the congratulations of his neighbors on his having obtained the nomination for Vice-President, on Monday June 9, 1856, made the following remarks defining his position on the question of popular sovereignty and non-intervention:

"Upon the distracting question of domestic slavery, their position is clear. The whole power of the Democratic organization is pledged to the following propositions: THAT CONGRESS SHALL NOT INTERPOSE UPON THIS SUBJECT IN THE STATES, IN THE TERRITORIES, OR IN THE DISTRICT OF COLUMBIA; THAT THE PEOPLE OF EACH TERRITORY SHALL DETERMINE THE QUESTION FOR THEMSELVES, AND BE ADMITTED INTO THE UNION UPON A FOOTING OF PERFECT EQUALITY WITH THE ORIGINAL STATES, WITHOUT DISCRIMINATION ON ACCOUNT OF THE ALLOWANCE OR PROHIBITION OF SLAVERY."

Extract from a speech of the Hon. JAMES L. ORR, of South Carolina, (now Speaker of the House,) in the House of Representatives, December 11, 1856:

"Now I desire the gentleman to understand that the Democratic party, North or South, do not attach the importance to this issue on squatter sovereignty which he seems to attach to it by the attempts he has made to magnify it as the chief feature of the Nebraska-Kansas bill. The great object sought to be accomplished in the introduction and passage of that bill was this: the continual agitation of the slavery question upon the floors of Congress had produced discord and dissension here; it had alienated the different parties of the Confederacy from each other, and was threatening the existence of the Government itself; *and hence it was thought best by a majority of the members of Congress, in* 1854, *to transfer as far as possible, this agitation from the Halls of Congress to the Territories themselves. Hence, the great and leading feature in that bill was, to transfer the legislation and power of Congress on the slavery, and all other subjects, to the Territorial legislatures, and let the popular will there, shape and form the laws for their own government without restriction, save the proviso that such legislation should be consistent with the Constitution and general laws of the United States.*

"This was the great idea in the legislation of 1854 and it has been endorsed in the late election by the people.

"Now, I admit that there is a difference of opinion amongst Democrats as to whether this feature of squatter sovereignty be in the bill or not. *But the great point upon which the Democratic party at Cincinnati rested was, that the government of the Territories had been transferred from Congress, and carrying out the spirit and genius of our institutions had been given to the people of the Territories.* I am one of those who do not believe in the doctrine of squatter sovereignty. I do not believe that the Kansas-Nebraska bill establishes or recognizes squatter sovereignty within the limits of the Territories of Kansas and Nebraska: and the process of reasoning by which I reach that result is, that I see no authority in the Constitution of the United States which authorizes Congress to pass the Wilmot proviso or any anti-slavery restrictions in the Territories; and I do not apprehend how Congress not having the power itself can create an authority and invest a creature with greater power and authority than it possesses itself. I know there are other gentlemen belonging to the Democratic party who think that the Territorial Legislatures are invested with authority to prohibit or introduce slavery within the Territories.

"But, the gentleman from Tennessee, (Mr. SMITH,) the other day struck the true point in this controversy and it takes all the wind out of the sails of my friend from Kentucky, and leaves him high and dry upon land; and I invite his attention to the statements and arguments in reference to it.

"I say, although I deny that squatter sovereignty exists in the Territories of Kansas and Nebraska by virtue of this bill, *it is a matter practically of little consequence whether it does or not; and I think I shall be able to satisfy the gentleman of that. The gentleman knows that in every slaveholding community of this Union we have local legislation and local police regulations appertaining to that institution without which the institution would not only be valueless but a curse to the community; without them the slaveholder could not enforce his rights when invaded by others; and if you had no local legislation for the purpose of giving protection, the institution would be of no value. I can appeal to every gentleman upon this floor who represents a slaveholding constituency to attest the truth of what I have stated upon that point.*

"NOW, THE LEGISLATIVE AUTHORITY OF A TERRITORY IS INVESTED WITH A DISCRETION TO VOTE FOR OR AGAINST LAWS. *We think they ought to pass laws in every Territory, when the Territory is open to settlement and slaveholders go there to protect slave property. But if they decline to pass such laws what is the remedy?* NONE, SIR. IF THE MAJORITY OF THE PEOPLE ARE OPPOSED TO THE INSTITUTION, AND IF THEY DO NOT DESIRE IT INGRAFTED UPON THEIR TERRITORY, ALL THEY HAVE TO DO IS SIMPLY TO DECLINE TO PASS LAWS IN THE TERRITORIAL LEGISLATURE FOR ITS PROTECTION AND THEN IT IS AS WELL EXCLUDED AS IF THE POWER WAS INVESTED IN THE TERRITORIAL LEGISLATURE TO PROHIBIT IT. *Now, I ask the gentleman what is the practical importance to result from the agitation and discussion of this question as to whether squatter sovereignty does or does not exist? Practically it is a matter of little moment.*"—(*See Speech of* HON. JAS. L. ORR, *of South Carolina., H. of Rep., Dec.* 11, 1856, 3*d Sess.* 34*th Congress*; *Cong. Globe, pages* 103, 104.)

Extracts from a speech of Hon. A. H. STEPHENS, of Georgia, delivered in the House of Representatives, February 17, 1854:

"*The whole question of slavery or no slavery was to be left to the people of the Territories, whether north or south of* 36° 30′, *or any other line.* THE QUESTION WAS TO BE TAKEN OUT OF CONGRESS, WHERE IT HAD BEEN IMPROPERLY THRUST FROM THE BEGINNING, AND TO BE LEFT TO THE PEOPLE CONCERNED IN THE MATTER TO DECIDE FOR THEMSELVES. This, I say, was the position originally held by the South when the Missouri restriction was at first proposed. *The principle upon which that position rests, lies at the very foundation of all our republican institutions: it is that the citizens of every distinct and separate community or State should have the right to govern themselves in their domestic matters as they please, and that they should be free from the intermeddling restrictions and arbitrary dictation on such matters from any other power or Government in which they have no voice.* It was out of a violation of this very principle to a great extent that the war of the Revolution sprung. The South was always on the republican side of this question, while the North—no; or, at least, I will not say the entire North, for there have always been some of them with the South on this question;

but I will say, while a *majority* of the North, under the *Free-soil* lead of that section, up to the settlement of the contest in 1850—were on the opposite side.

"The doctrine of the *Restrictionists* or Free-soilers, or those that hold that Congress ought to impose their arbitrary mandates upon the people of the Territories in this particular, whether the people be willing or unwilling, is the doctrine of Lord North and his adherents in the British Parliament, towards the colonies, during his administration. He and they claimed the right to govern the territories in 'all cases whatsoever,' notwithstanding the want of representation on their part. The doctrine of the South upon this question has been, and is, the doctrine of the Whigs in 1775 and 1776. It involves the principle that the citizens of every community should have a voice in their government. This was the doctrine of the people of Boston in 1775, when the response was made throughout the colonies—'The cause of Boston is the cause of us all.' And if there be any here now who call themselves Whigs, arrayed against this great principle of republican Government, I will do towards them as Burke did in England. I will appeal from 'the *new* to the *old* Whigs.'" * * * * * * * * *

"This, sir, is what is called the Compromise of 1850, so far as this territorial question is concerned. It was adopted after the policy of dividing territory between the two sections, North and South, was wholly abandoned, discarded, and spurned by the North. *It was based upon the truly republican and national policy of taking this disturbing element out of Congress, and leaving the whole question of slavery in the Territories to the people there to settle it for themselves. And it is in vindication of that new principle—then established for the first time in the history of our Government—in the year* 1850, *the middle of the nineteenth century, that we, the friends of the Nebraska bill, whether from the North or South, now call upon this House and the country, to carry out, in good faith, and give effect to the spirit and intent of those important measures of territorial legislation.*"—(*See Appendix Cong. Globe*, 1*st Session* 33*d Congress, volume* 29, *page* 195.)

Mr. STEPHENS again expressed his views on this subject, in the House of Representatives on the 17th of January, 1856, as follows:

"Now, sir, as I have stated, I voted for this bill, leaving the whole matter to the people to settle for themselves, subject to no restriction or limitation but the Constitution. With this distinct understanding of its import and meaning, and with a determination that the existence of this power being disputed and doubted, it would be better and much more consistent with our old time republican principles, to let the people settle it, than for Congress to do it. And although my own opinion is that the people, under the limitations of the Constitution, have not the rightful power to exclude slavery so long as they remain in a territorial condition, yet I am willing that they may determine it for themselves, and when they please. I SHALL NEVER NEGATIVE ANY LAW THEY MAY PASS, IF IT IS THE RESULT OF A FAIR LEGISLATIVE EXPRESSION OF THE POPULAR WILL. NEVER! *I am willing that the Territorial Legislature may act upon the subject when and how they may think proper.*"—(*See Appendix to the Cong. Globe*, 1*st Session* 34*th Cingress, Vol.* 33, *page* 62.)

Extract from the speech of the Hon. J. P. BENJAMIN, of Louisiana, delivered in the Senate, on the 25th of May, 1854:

"I find, then, that this bill, retracing the steps of Federal legislation so far as it interfered with this subject from the year 1820 to the present time, proposes to go back to the traditions of the fathers. It proposes to put this Congress in the position occupied by every Congress up to the year 1820. *It proposes to announce, as a principle to the people of the United States that the General Government is not to legislate at all upon this question of slavery. It is not to legislate to extend it*; *it is not to legislate to prohibit it*; IT IS A FORBIDDEN SUBJECT. *The flaming sword ought to guard all access to it. No impious foot ought to endeavor to tread within its sacred precincts. That is the principle which I find in this bill, and that is the principle which I wish to see established in the country*; *and when it shall have been established, it will be in vain for fanatics, either North or South, to endeavor to create any permanent excitement in the minds of the American people.* The aliment is gone. You may light the flame, but the fuel will be wanting. It will die out of itself. And then, and then alone shall we be able to bear patiently with the taunts thrown out this day by the Senator from Ohio; then alone shall we be able to hear with composure his threat that his war-cry is issued against the South, from this time

forward, and that all his energies will be devoted to repealing this bill, and overthrowing the principles upon which it is based.

"Let the American people understand this subject in its true bearing; let the North once be disabused of the false impression that the South desires any advantage over it, or any unequal share of the privileges of the Government; let our friends in the Northern States once be convinced that all we ask and desire is the simple privilege of being let alone; and can we ask less? Blest or cursed, as you please, with an institution which we find established among us when we were born, and which will probably exist when we descend to our graves, an institution which is so firmly knit among us that it cannot be torn out without tearing up the very heart-strings of society, is it wonderful, is it unreasonable, is it not most reasonable, that we should ask gentlemen from other sections of the Confederacy simply *to let us alone?* WE ASK OF YOU THE PASSAGE OF NO LAW; WE ASK OF YOU THE ENACTMENT OF NO STATUTE, ANY FURTHER THAN TO PUT US BACK JUST IN THAT POSITION OCCUPIED BY OUR FATHERS WHEN THEY ACTED UPON THE PRINCIPLE WHICH WE NOW INVOKE, OF LEAVING EACH SECTION OF THE CONFEDERACY FREE TO ESTABLISH AND MAINTAIN ITS OWN INTERNAL DOMESTIC INSTITUTIONS AND PROMOTE ITS OWN HAPPINESS AS IT SEES PROPER. Here is then a second great principle which I see in this bill, and for the establishment of which, I say, as other Senators have said upon this floor, I will sacrifice this amendment and a thousand others like it.

"But this is not all. The Senator from Georgia (Mr. TOOMBS) to-day spoke of a third principle, and he anticipated me in that respect. *There is the great fundamental principle of American liberty contained in the provisions of the bill. It is that principle which laid the foundation of American independence. It is that principle for the establishment of which we owe so many blessings to the memory of our revolutionary sires—ay, sir, to our ante-revolutionary sires. They first planted on this continent the germ which has grown up into a lofty tree, that with its spreading branches overshadows and protects the nation. They first enunciated in the face of the civilized world, in the face of the then almost omnipotent English Parliament, the principle that man had a right to self-government. They first declared that it was against the inherent rights of mankind for a government to legislate for the local interests of a distant dependency. They declared—and it is upon that your Revolution is founded—that the people of the United States, although colonial dependencies of Great Britain, were entitled to representation in the British Parliament, or to be exonerated from the duties of British subjects.* ALL THAT IS ASKED NOW IS THE EXTENSION OF THIS SAME PRINCIPLE TO THE TERRITORIES OF THE UNITED STATES. Here, then, is another third great principle, it is a great measure of conciliation between conflicting opinions in different parts of the confederacy conflicting opinions which have found their enunciation upon this floor. The honorable Senator from Michigan, (Mr. CASS,) in a speech replete with sound argument and true Republican principles, the force of which it would be difficult to answer, has advocated in this Senate the doctrine that there is an inherent right under the Constitution of the United States, in the people of the Territories to govern themselves. He denies the constitutional power of Congress to legislate for those Territories. The Senator from Indiana, (Mr. PETTIT,) and the Senator from North Carolina, (Mr. BADGER,) differ in opinion from him; but as the Senator from Georgia said this morning, both agree that it is unwise to exercise the power in contradiction to the will of the people, even if we admit its existence. *We find, then, that this principle of the independence and self-government of the people in the distant Territories of the Confederacy, harmonizes all these conflicting opinions, and enables us* TO BANISH FROM THE HALLS OF CONGRESS ANOTHER FERTILE SOURCE OF DISCONTENT AND EXCITEMENT."—(*See Appendix Cong. Globe*, 1*st Sess.*, 33*d Cong.*, *vol.* 29, *page* 767.)

Extract from the speech of Hon. J. M. MASON, of Virginia, in the Senate of the United States, May 25, 1854:

"Then, Mr. President, where do we stand? Here is a bill repealing and forever annulling a measure always odious to the South, and offensive to its honor, voluntarily brought forward from a quarter where the majority resides; *and is the South to reject it because it contains also, an incidental policy on a different principle, which we do not approve? For one, sir, with a clear, unhesitating judgment, I answer,* NO!

"Mr. President, I am not going to discuss this question of squatter sovereignty, on which my honorable friend from Michigan, (Mr. CASS,) appears to be so very sensitive

I do not recognize the inhabitants of a Territory as a political community at all. The very act of Congress which provides a government for the Territory is a negation of the right of the inhabitants to do it for themselves. They are mere occupants of the public domain, nothing else. And it has been only because Congress deemed it expedient to give them a right of legislation, reserving to itself a power of revision, that the Territories have any political existence whatever. *But when Congress delegate the power to them, it is a mere delegation, and how Congress measures it out is a matter of* EXPEDIENCY, NOT OF PRINCIPLE. *And from the experience which the Southern States have had of the tendencies of Congress heretofore, on the subject of slavery, I do not know that we may not quite as safely trust the people, come from where they may, as the Congress of the United States, with that institution.*

"I say, then, Mr. President, to sum up, this bill is objectionable in some of its features, it is true. *It is objectionable in that feature of it, for one, which does not deny to the people, the right to legislate on the subject of slavery.* It is also objectionable in that clause of it which provides, that foreigners—those not naturalized—shall participate in the political power of the Territory. *These, however, are questions of expediency alone. There is no principle, far less any constitutional law, involved in them; and if we can get the other and higher principle established on your statute-book, that henceforth power is denied to the Congress of the United States to legislate for the exclusion of slavery* BY YIELDING THE QUESTION OF EXPEDIENCY, *I do not think we shall be rebuked for a* BAD BARGAIN."—(*See vol.* 29, *Appendix Cong. Globe, page* 774.)

And again, on the 11th December, 1856, Mr. MASON said:

"I wish to make an explanation in which I have more interest than anybody else, in reference to some remarks on this very topic which were interpolated into the debate at the time when the Senator from Maine (Mr. FESSENDEN) occupied the floor, and which seem to have been the subject of misrepresentation. These remarks were in reference to the much disputed question of squatter sovereignty. It has been supposed, not only in the Senate, but elsewhere, that I mean to admit a power in territorial legislation to prohibit slavery in a Territory. The remarks which I made, may have been for all that I know, correctly reported in the Globe. I did not revise them. Here they are:

"The territorial government was so organized there, as to admit citizens of all the States, whether free or slave, to take their property into the Territories; and when they organized themselves, or were organized under the law, into a legislative body, then to determine for themselves, whether this institution should exist amongst them or not. The specific difference is, that under the Kansas law, citizens from the slaveholding States might go into the Territory with their property; citizens from the free States might go there, holding no such property, and when they got there, and met in common council as a legislative body, they should determine whether the institution should prevail; whereas, the party which the honorable Senator is now representing here, declares that in the organic law creating the government in the Territory there shall be a prohibition *in limine* that no slaves shall go there."

"These remarks had reference to the subject matter of a previous debate, and to positions I then maintained; but occupying the floor by the courtesy of the Senator entitled to it, I was necessarily brief, and may have left my meaning obscure.

"The previous debate had reference to the issues raised by the Kansas-Nebraska bill, *and what I intended to say, and in a more elaborate form, would have said, was this, that those with whom I act,* HAVE UNIFORMLY DENIED ANY POWER WHATEVER IN CONGRESS, TO LEGISLATE ON THE SUBJECT OF SLAVERY IN THE TERRITORIES. *The Kansas bill was intended to delegate to the occupants of the Territories whatever power Congress possessed over all subjects of rightful legislation;* but of course, it could delegate no more; and when we denied that Congress possessed any power to legislate on the subject of slavery, we of course denied that the Territorial legislature could have it, because Congress could not delegate what it does not possess. I did not amplify to show what the Kansas bill shows on its face that, in order to make the meaning more specific, the power to legislate on any subject, was by the terms of the bill referred to the Constitution; *and express power was given by an appeal to the Supreme Court, to determine whether the legislature could, or could not rightfully legislate on the subject of slavery.* I could not occupy the time which belonged to the Senator from Maine, to elaborate the idea; but I referred to the Kansas bill to determine what power was conceded, and, of course, when we determined as our judgment that the Constitution gave to Congress no power to legislate on the subject of slavery, it followed that the bill could not delegate such power to a Terri-

torial legislature; but, as on the other side, it was claimed that Congress did possess the power; *the bill immediately referred the question to the Constitution, and the* JUDICIARY *where we had been always willing to send it.* I desired to say this only, that I might not be, as I have been misinterpreted. I am indebted to the courtesy of the Senator from New Hampshire in yielding me the floor for this purpose."—(*See Cong. Globe, 3d Sess., 33d Cong., page* 92.)

Extract from a speech of the Hon. James A. Bayard, of Delaware, in the Senate of the United States, May 25, 1854:

"The honorable Senator from Louisiana (Mr. Benjamin,) stated three principles as embodied in the bill. In the first place it repeals an ideal arbitrary line which tended to create and foster sectional differencies in the country. I admit that it does that. But is that a principle or is it merely a repeal of an act of Congress which may be again enacted, and which whether repealed or permitted to remain, will have no practical effect on the future political condition of the country to which it applies, whether as States or Territories? THE SECOND, THAT IS THE GREAT PRINCIPLE OF THE BILL, IS THE RENUNCIATION BY CONGRESS OF ALL AUTHORITY TO LEGISLATE IN REGARD TO THE INSTITUTION OF SLAVERY, EITHER FOR ITS ESTABLISHMENT OR ITS PROHIBITION, *beyond the two articles contained in the Constitution which delegate two express powers in relation to slavery, one to prohibit the slave trade and the second to provide for the reclamation of fugitive slaves who may escape into other States where slavery is not recognized by law.*

"I agree with the honorable Senator from Louisiana as to the importance of this principle; it seems to include within it the necessity for the repeal of the Missouri Compromise line. *The honorable Senator from Virginia,* (Mr. Mason,) *assumes substantially the same position, placing the importance of the bill on the single ground that it establishes the principle of* NON-INTERVENTION BY CONGRESS *with the institution of slavery in the* TERRITORIES, *as well as the States of this Union. Mr. President I consider that an important principle; and if I supposed that the effect of this bill would be* TO REMOVE FROM THE HALLS OF CONGRESS ALL AGITATION IN REGARD TO THE QUESTION OF SLAVERY HEREAFTER; *if I supposed that it would bury forever hereafter this whole question of abolition, I would sacrifice almost any of the other opinions which I entertain in order to vote for the bill.*"—(*See Appendix Cong. Globe, vol.* 29, *p.* 775.)

Extract from remarks of the Hon. George E. Badger, of North Carolina, in the Senate of the United States, on the 15th February, 1854:

"*The clause as it stands is ample. It submits the whole authority to the Territory to determine for itself. That, in my judgemnt, is the place where it ought to be put.* IF THE PEOPLE OF THE TERRITORIES CHOOSE TO EXCLUDE SLAVERY SO FAR FROM CONSIDERING IT AS A WRONG DONE TO ME OR TO MY CONSTITUENTS I SHALL NOT COMPLAIN OF IT. IT IS THEIR BUSINESS." (*See Cong. Globe, 1st Sess., 33d Cong., vol.* 28, *Part* 1, *page* 422.)

Again, on the 2d of March, 1854, Mr. Badger said:

"Mr. President, the matter is clear. Some of us think—the distinguished Senator from Michigan (Mr. Cass) is of opinion—that to the people of the territories alone belongs this power. Now I do not agree with him, I think with the honorable Senator from Indiana (Mr. Pettit,) that Congress has plenary power of government to legislate over these territories. *But with regard to that question we have agreed—some of us because we thought it the only right mode, and some because we think it a right mode, and under existing circumstances the preferable mode*—TO CONFER THIS POWER UPON THE PEOPLE OF THE TERRITORIES."—(*See Appendix Congressional Globe, vol.* 29, *page* 287.)

Extract from a speech of the Hon. Mr. Pettit, of Indiana, (lately appointed Chief Justice of Kansas,) in the Senate of the United States, on the 20th February, 1854:

"There is one provision in this bill however, which in order that the bill may harmonize with provisions already adopted upon that subject, it would seem to me ought to be stricken out. *It will be recollected that the people are expressly authorized to legislate upon all subjects whatsoever, slavery included. They may either establish or abolish it at their pleasure and at their will if the Constitution of the Uni-*

ted States allows it. Such is my understanding of it and such is my desire that it should be. But to make the question plainer and clearer and to rid it of all difficulties, I will suggest, if I do not move, the striking out of the following provision in the sixth section:

"'That all laws passed by the Assembly, and approved by the Governor, shall be submitted to the Congress of the United States, and if disapproved shall be null and of none effect.'

"'*My desire is to authorize the people of the territory to legislate upon all legitimate subjects of legislation, without let or hindrance by this Government.*'"—(*See Appendix to Congressional Globe, 1st session, 33d Congress, vol. 29, page 212.*)

The provision referred to by Mr. Pettit in reference to the laws being disapproved by Congress was subsequently stricken out.

Extract from a speech of the Hon. A. P. BUTLER, of South Carolina, delivered in the United States Senate, March 2, 1854. (See Appendix Congressional Globe, 1st Session, 33d Congress, vol. 29, page 292.)

"*Now, I believe that under the provisions of this bill and of the Utah and New Mexico bills, there will be a perfect carte blanche given to the Territorial Legislature to legislate as they may think proper. I am willing, as I said before, to trust the discretion and honesty and good faith of the people upon whom we devolve this power;* but I can never consent that they can take it of themselves, or that it belongs to them without delegating it; for I think they are our deputies—limited controllable deputies, not squatter sovereigns. I am willing to say that the people of the Territories of Nebraska and Kansas shall be deputed by Congress to pass such laws as may be within their constitutional competency to pass, and nothing more. Is not that an honorable, fair, liberal trust to an intelligent people? *I am willing to trust them. I have been willing to trust them in Utah and New Mexico, where the Mexican law prevailed, and I am willing to trust them in Nebraska and Kansas, where the French law, according to the idea of the gentleman, may possibly be revived.*"

Extract from a speech of the Hon. R. M. T. HUNTER, of Virginia, delivered in the United States Senate, February 24, 1854:

"The bill provides that the Legislatures of these Territories shall have power to legislate over all rightful subjects of legislation, consistently with the Constitution. *And if they should assume powers which are thought to be inconsistent with the Constitution, the courts will decide that question wherever it may be raised.* There is a difference of opinion among the friends of this measure, as to the extent of the limits which the Constitution imposes upon the Territorial Legislatures. *This bill proposes to leave these differences to the decision of the courts.* To that tribunal I am willing to leave this decision, as it was once before proposed to be left by the celebrated compromise of the Senator from Delaware, (Mr. CLAYTON,) a measure which, according to my understanding, was the best compromise which was offered upon this subject of slavery. I say, then, that I am willing to leave this point, upon which the friends of the bill are at difference, to the decision of the courts."—(*See Appendix Cong. Globe, 1st Sess., 33d Cong., vol. 29, p. 224.*)

Extracts from a speech of the Hon. ROBERT TOOMBS, of Georgia, in the Senate of the United States, February 28, 1856:

"We who passed this Kansas bill, both at the North and the South, intend to maintain its principles; we do not intend to be driven from them by clamor nor by assaults, nor by falsehoods, nor by any other invention of its faithless and impotent assailants. These principles we expound for ourselves. *We intend that the actual bona fide settlers of Kansas shall be protected in the full exercise of all the rights of freemen; that unawed and uncontrolled they shall freely, and of their own will, legislate for themselves to every extent allowed by the Constitution, while they have a Territorial government,* and when they shall be in a condition to come into the Union, and may desire it, that they shall come into the Union with whatever republican constitution they may prefer and adopt for themselves; that in the exercise of these rights they shall be protected against insurrection from within and invasion from without. *The rights are accorded to them without any reference to the result, and will be maintained, in my opinion, by the South and the North. I stood upon this ground in the passage of the bill; I shall maintain it with fidelity and honor to the last extremity.*" * * * * * * * * *

"Against all these conflicting efforts and opinions, the friends of the Constitution, justice, and equality have hitherto held, and will continue to hold, the scales of justice even and unshaken. We still tell all the owners of this public domain to enter and enjoy it, both in the North and the South, with property of every sort, exercise the full powers of American freemen; LEGISLATE FOR YOURSELVES TO ANY AND EVERY EXTENT, AND UPON ANY AND EVERY SUBJECT ALLOWED BY OUR COMMON CONSTITUTION. The Federal Government will protect you against all who attempt to disturb you in the exercise of these invaluable rights; and when you have become powerful and strong enough to bear the burdens, and desire it, we will admit you into the family of sovereigns without reference to your opinions and your action upon African slavery. Decide that question for yourselves, and we will sustain your decision, because it is your right to make it. This is the policy of the Kansas bill; it wrongs no man—no section of our common country."—(*See Appendix Cong. Globe, 1st Sess., 34th Cong., vol. 33, p.* 116.)

In alluding to the same subject in the Senate, on the 9th of July, 1856, Mr. TOOMBS again said:

"*I thought it was the duty of the Government to protect slave property in the Territories until they should come into the Union as States, and then let them do as they pleased. There was not a large party to sustain this doctrine; but I believed it was right then, and believe so now. But a large portion of the South and a great number of the North, true national men, said:* 'LET US LEAVE THE PEOPLE OF THE TERRITORIES TO PASS ON THIS AND ALL OTHER DOMESTIC RELATIONS AS FAR AS THE CONSTITUTION WILL ALLOW." I AGREED TO IT. *Congress adopted it and incorporated it into the bills of* 1850. The Senator from Maine says it is not there. I offer him this evidence: three-fourths of the Senate, and those who supported those measures, say it is there. He has opposed both, but he undertakes to construe our meaning for us. I do not consider him a good expounder of others creeds."—(*See Appendix Cong. Globe, 1 Sess., 34 Cong., vol.* 33, *p.* 870.")

Extracts from the speech of Hon. S. A. SMITH, of Tennessee, delivered in the House of Representatives, June 25, 1856:

"The controlling minds in that hour (1850) which tried the strength of the band which binds us, (CASS, CLAY, AND WEBSTER,) found no solution of the problem which they were compelled to solve, but in the great fundamental principle which relieved our fathers from like difficulties in the formation and adoption of the Constitution itself.

"For twenty years this question had agitated Congress and the country without a single beneficial result. *They resolved that it should be transferred from these halls, that all unconstitutional restrictions should be removed, and that the people should determine for themselves the character of their local and domestic institutions under which they were to live,* WITH PRECISELY THE SAME RIGHTS, BUT NO GREATER THAN THOSE WHICH WERE ENJOYED BY THE OLD THIRTEEN STATES.

"Excitement was intense and clamor loud, but the sober judgment of the people ratified the constitutional action of their representatives.

"*In* 1854 *the same question was presented when the necessity arose for the organization of the Territories of Kansas and Nebraska,* AND THE IDENTICAL PRINCIPLE WAS APPLIED FOR ITS SOLUTION. I, for one, as a Southern man, did not accept it with reference to any result which it might probably produce. I accepted it because it was constitutional, just, and safe. I accepted it because I believed it to be the only principle which could secure the legitimate rights of all sections of the Union. It had not merely the convictions of my own judgment to sustain it, but it had the sanction of the patriotism and wisdom of the Revolutionary fathers. *If this great principle of popular sovereignty be justly carried out and sacredly maintained, it will give in time to come what we have enjoyed in the past—union, strength, prosperity, and happiness.* If it be struck down by passion, fanaticism or sectional prejudice, in either section of the Confederation, I will not permit myself to contemplate the woes that await us." * * * * * *

"I say here, as a Southern man, and I believe the sentiment will be sanctioned by nearly every Southern representative on this floor, that if a bill were introduced in Congress to *establish* slavery in Kansas or any other Territory of the United States, I should unhesitatingly *vote against it.* And this I would do notwithstanding I honestly believe African slavery to be a moral, a social, and a political bless-

ing, applicable alike to the master and to the slave. Why, then, cannot the North meet us upon this common ground, and declare that they would not *prohibit* slavery by congressional enactment in any of the Territories of the United States? This would leave the people to be affected by the institution to determine the question for themselves in their own way, 'subject only to the Constitution of the United States.' "—(*See Cong. Globe, 1st Sess. 34th Cong., part 2, p.* 1471.)

Extracts from a speech of the Hon. A. C. DODGE, of Iowa, in the United States Senate, February 25, 1854:

"With this digression upon points wholly unlooked for in the discussion, and being a sincere believer in the doctrine of 'squatter sovereignty' in its fullest, broadest, deepest sense, I propose now, in my humble way, to offer some arguments in support of the bill for the organization of Nebraska and Kansas—it being in its present shape, or as its friends propose to make it, the noblest tribute which has ever yet been offered by the Congress of the United States to the sovereignty of the people." * * * * * * * * *

"The addresses, resolutions, and petitions of the fathers of the Revolution, both in matter and spirit, touching the extent of the power of the Parliament of England to legislate for the colonies, are thoroughly imbued with the principles for which the advocates of non-intervention are to-day contending. The Continental Congress of 1774 declared that—

"'The English colonists are entitled to a free and exclusive power of legislation in their several provincial Legislatures, where their rights of representation can alone be preserved in all cases of taxation and internal polity.'

"The same principle seems to have governed the wise and patriotic men who framed our Constitution after the independence of the Republic was secured."

* * * * * * * * * * *

"And, sir, honesty and consistency, with our course in 1850, demand that those of us who supported the Compromise measures, should zealously support this bill, because it is a return to the sound principle of leaving to the people of the Territories the right of determining for themselves their domestic institutions."—(*Appendix Cong. Globe, 1st Sess. 33d Cong., vol.* 29, *pages* 876, 877, 879.)

Extract from a speech of the Hon. T. F. BOWIE, of Maryland, in the House of Representatives, January 29, 1856:

"If this be so—and I scarcely think it can admit of a doubt—it follows clearly that the rules and regulations which Congress is empowered to make respecting the territory or other property belonging to the United States, relate *exclusively themselves* to such rules and regulations only as may be needful for Congress to make in reference to the *disposition, preservation and management* of such territory as the *common property* of all the States, and not to a class of powers entirely *political* in their nature, which have for their end only the establishment of forms of government for the protection and enjoyment of civil and religious freedom. *This latter class of powers, sir, it seems to me, will more appropriately be found among those which were reserved by the people, and which the framers of the Constitution never intended should be surrendered to the Federal Government by any portion of the people of this country, whether living in the States or after-acquired territories.* The great struggle between the British crown, under the administration of Lord North, and the United Colonies, as to the right of the colonies to govern themselves in all cases whatever, had been finally closed by the establishment of that great fundamental political truth, that man is capable of self-government, and had the framers of our Constitution inserted in that instrument any provisions inconsistent with that great truth, to be afterwards applied or enforced against the people of any of the States or after-acquired territories of the Union, they would, in my judgment, sir, have falsified every principle which induced the colonies to take up arms in defence of their own rights to separate and independent sovereignty. But, sir, I have not time to pursue these reflections further, in the present condition of the House. I will take the opportunity of doing so at some other time."—(*See Appendix Cong. Globe, 1st Session 34th Congress, vol.* 33, *page* 56.)

Extract from a speech of the Hon. GEORGE W. JONES, of Tennessee, delivered in the House of Representatives, December 28, 1855:

"*Then, sir, you may call it by what name you please—non-intervention, squatter sovereignty, or popular sovereignty.* IT IS, SIR, THE POWER OF THE PEOPLE

TO GOVERN THEMSELVES, AND THEY, AND THEY ALONE, SHOULD EXERCISE IT, IN MY OPINION, AS WELL WHILE IN A TERRITORIAL CONDITION AS IN THE POSITION OF A STATE. I would ask those who deny this doctrine, whether they are of my party or of any other party—whether they are from the North or from the South—to reconcile another provision of that act with the doctrine that neither this Government nor the people of the Territory have any power over this isolated question while in a territorial condition. Look to the Kansas and Nebraska act and you will there find prescribed the qualifications of voters. How long to continue, sir? Until the first election only. And the qualifications of voters and of holding office at all sub-sequent elections, shall be prescribed by the Legislative Assembly. Which is the higher prerogative of sovereignty, to prescribe the rights of property, or to prescribe the qualification of voters? I hold that the highest prerogative of sovereignty is to prescribe the qualification of voters—to draw the line between the citizen, the coequal constituent of sovereignty in a country, and the subject, vassal, or serf.

"*I believe that the great principle—the right of the people in the Territories, as well as in the States, to form and regulate their own domestic institutions in their own way—is clearly and unequivocally embodied in the Kansas-Nebraska act, and if it is not, it should have been. Believing that it was the living, vital principle of the act, I voted for it. These are my views, honestly entertained, and will be defended.*"—(*Cong. Globe*, 1*st Session* 34*th Congress, part* 1, *page* 98.)

Extract from a speech of the Hon. J. M. Elliott, of Kentucky, delivered in the House of Representatives, August 4th, 1856:

"In 1854, the Democratic party, in order to carry out the spirit of the Compromise of 1850, declared that the line in prohibition of slavery north of 36° 30', known as the Missouri Compromise line, was inoperative and void; and in forming Territorial Governments for Kansas and Nebraska, they inserted a provision leaving the question of slavery, as well as all other domestic questions, to be settled by the people of said Territories, just as had been done in the formation of the Territories of Utah and New Mexico, by the Compromise Measures of 1850."—(*See Appendix Cong. Globe*, 1*st Session* 34*th Congress, vol.* 33.)

Extract from a speech of the Hon. John S. Caskie, of Virginia, delivered in the House of Representatives, May 19, 1854:

"Now comes the question, is there any sufficient reason in the difference between myself and some of the friends of the Nebraska-Kansas bill in regard to the opinions I have just expressed, for division between us in reference to it, a hesitation on their part or mine in its support? I answer at once there is none. The bill gives the inhabitants of Kansas and Nebraska all the rights which they possess under the Constitution, and none other, and leaves the decision of what those rights are *to the Courts*. That is the agreement as to Territorial powers, plain as a pike staff on the face of the bill, and fair and honorable as it is plain. What says the bill?

"'It being the true interest and meaning of this act not to legislate slavery into *any Territory or State*, nor to exclude it therefrom, but to leave the people *thereof* perfectly free to form and regulate their domestic institutions in their own way, *subject* only to the Constitution of the United States.'

"I have heard objections to the strength of the word 'form' in this connection. But it will be observed that the clause in which it is used embraces the power of the people of Nebraska and Kansas over the institution of slavery not only while they are in the territorial germ, but when they reach the State of development—a period at which their jurisdiction becomes exclusive and complete. The Constitution is made the measure of their power in both stages of their advancement. The language used in its definition is brief, plain, and apt, while the rule by which it is guaged is unerring.

"In other sections, (sections six and twenty-four,) the bill limits the legislative power of these Territories to 'all *rightful* subjects of legislation *consistent* with the Constitution of the United States and the provisions of this act.'

"Now, is it not clear, that territorial sovereignty can be in the bill only, if it is in the Constitution—if not in the Constitution, it is not in the bill? We make the *judiciary the umpires* of our difference on this point. This is a ground, and the only ground on which just men united against the Missouri restriction, but divided as to an incidental question connected with it can meet and stand together. If territorial sovereignty be in the Constitution, I hope I am patriot enough to yield my oppo-

sition to it. If it be not, I am sure my friends who differ from me about it are patriots enough to yield their advocacy of it. And so we go hand in hand to break down that disunion, 'middle wall of partition,' which now separates sections, and to re-establish that broad brotherhood, under which our Independence was achieved, and on which our Government is based. Can I object to the arbitrament to which the bill submits the question of territorial authority to exclude slavery? Never, while I retain the confidence I now have, in the position I now hold; never, until I can believe that the illustrious Carolinian—my political morning star—was no herald of the day; and that the whole host of Southern men were dolts, when, in 1848, they proposed upon far less inducement, to submit equally grave issues to the same tribunal."—(*See Appendix Cong. Globe, vol.* 29, *page* 1144.)

Extract from a speech of the Hon. A. G. Brown of Mississippi, delivered in the United States Senate, July 2d 1856:

"I learn now, for the first time, that the people of a Territory have not the competence to regulate their own domestic and police matters in their own way, but that it belongs to Congress; that it is only in the higher branches that they have the right to regulate their own affairs in their own way. Am I to understand by this that the people of a Territory have the right, if they choose, to exclude or abolish slavery; and that if I believe, as a southern man, such an abolition to be unconstitutional, I must go to the courts for the maintenance of my rights; and yet, if other measures of less importance, mere matters of police regulation, are adopted, they may come to Congress and beseech legislation to put it all right? If the major proposition includes the minor, as I suppose it does, and the people of the Territory have the right to legislate on these great questions for themselves, independent of the action of Congress, I apprehend they have an equal right to legislate for themselves on the smaller questions. I should like my esteemed friend from Connecticut to tell me where the line is; to what particular question it is applieable.

"Under the general phraseology of the Kansas bill, he admits the people of the Territory have the exclusive right to legislate. I suppose, when we passed the bill, that we intended by it to give them a right to legislate on all subjects touching their domestic policy; and that if anybody was dissatisfied he should go to the courts, and not come to Congress for his remedy. This has been my understanding, and I have endeavored to live up to it. My friend from Michigan and myself differ very widely as to what are the powers of a Territorial Legislature—he believing that they can exercise sovereign rights, and I believing no such thing; he contending that they have a right to exclude slavery, and I not admitting the proposition; but both of us concurring in the opinion that it is a question to be decided by the courts, and not by Congress. If we are agreed on that, let us agree on this other proposition. If I had been the party aggrieved by the laws of Kansas, I knew the place to which I was pointed to seek my remedy. If others are aggrieved, let them go to the same place."—(*Appendix to Congressional Globe, 34th Congress, 1st sess.*, p. 801.)

Extract from a speech of the Hon. Wm. C. Dawson, of Georgia, in the Senate of the United States, March 3, 1854:

"Is there any other object as to the organization of these two Territories. I do not know of any other which was sufficiently strong to make an impression on my mind. I have disposed, therefore, of the objections to the organization.

"Now, sir, the next question is, how are these Territories to be organized? There seems to be a division of sentiment upon this point. Some wish to have a governor and a few other gentlemen compose a council and govern them. This bill provides for a legislative body, to be chosen by the people. I have one observation to make upon this matter, which I think will cover a great deal of the argument. The people who settle there are American citizens, entitled, under the Constitution of the United States to the same privileges and immunities which you and I possess and enjoy. They are entitled to the right of voting for those who are to make laws to govern them. Those of us who are friendly to this bill say, let the people elect their Legislature; they know whom to choose to govern them, and control and manage their rights better than we do. Where is the man who, at this day, would rise up and say that there is anybody known to the Constitution of this country, or any part of the organization of this Government, which can take away the the representative right of citizens of the United States? However we may differ on other matters, all of us will yield that point.

"The next question is, should that legislative council, thus chosen by the people,

have the right of making laws to govern all the domestic concerns of that people—plenary power like the States? We impose one limitation upon the exercise of their power. What is that limitation? It is that they shall legislate, subject to the Constitution of the United States. That Constitution limits them as well as it does us, and we propose to confer upon them all the powers of self-government which any other people in this country have under the limitations of the Constitution." (*Appendix Cong. Globe, 1st Sess. 33d Cong., vol. 29, p. 303.*)

Extracts from the speech of the Hon. T. L. CLINGMAN at present a Senator of the United States from North Carolina, in the House of Representatives, April 4, 1854:

"This, in my judgment, is the test species of non-intervention. *We say that the people of the Territory may legislate as the Constitution of the United States permits them to* TO DO, WITHOUT THE INTERVENTION OF CONGRESSIONAL LAW, *French law, Spanish law, Mexican law, or Indian law. It makes the Territory like a sheet of blank paper, on which our citizens may write American constitutional law.*"

* * * * * * * * *

"It has been well said that there is a great resemblance between this issue and that involved in the struggle between the colonies and Great Britain at the Declaration of Independence. There is however one great striking difference between the two cases. The colonies in 1776 denied the right of Great Britain to tax them to the smallest extent; but the people of Kansas and Nebraska say to Congress, you may impose any amount of taxation upon us and we will cheerfully pay it; you may make your own disposition of the public lands, lay off your military roads and post roads, and establish your forts and arsenals; you may subject us to the action of every law of Congress that the citizens of any State in this Union is subject to; *but when you have done all that, when you have exhausted all your powers under the Constitution of the United States,* THEN WE ASK THE POOR PRIVILEGE OF MANAGING OUR LOCAL AFFAIRS ACCORDING TO OUR OWN WISHES? AND *why should they not have it?* Why should Massachusetts or North Carolina control the people of those Territories? SIR, THE QUESTION STANDS UPON THE GREAT REPUBLICAN RIGHT OF EVERY COMMUNITY TO LEGISLATE FOR ITSELF."—(*Appen. Cong. Globe, 1st Sess. 33d Cong., vol. 28, p. 488.*)

Extract from the speech of the Hon. Z. KIDWELL, of Virginia, in the House of Representatives, August 11, 1856:

"The people of Kansas and Nebraska are allowed, by the organic act, to pass such laws as they please, subject only to the Constitution of the United States. If a majority of the people of either of the Territories named are opposed to establishing slavery, and they pass an act prohibiting the introduction of additional slaves, many Southern statesmen believe such an act would be unconstitutional, while many Northern statesmen think it would not be. Which is right and which is wrong, the Supreme Court, under the Kansas-Nebraska act, would decide. This law does not take sides with either North or South, but leaves the question open for the decision of the Court, to which it rightfully belongs."—(*Appendix Cong. Globe, 1st Session 34th Congress, vol. 33, page 1267.*)

Extract from a speech of the Hon. C. J. FAULKNER, of Virginia, delivered in the House of Representatives, April 10, 1854:

"But, sir, it may be that slavery will seek its expansion in Kansas and Nebraska, and if so, who, here, has the right to complain? *It will be their own act—the act of the people of these Territories, and they surely are competent to determine for themselves, whether their social and political condition will be most advanced by its toleration or exclusion. They will not be without the most ample experience to guide them to a proper conclusion; and it is rank arrogance and folly for this Government to seek to control them upon a point upon which their own interests and instincts can far more safely instruct them, than they can be by the gratuitous advice of those who will never partake of the good or evil of their institutions.*

"Sir, much obloquy has been cast upon the distinguished Senator from Illinois, for his agency in bringing forward this great measure. For one, I take this occasion to say that I honor him for it; and when the passion and the excitement of the hour have passed away, the country will do justice to the purity of his motives and to the wisdom and sagacity of his act. Distinguished as he has been throughout his whole public career, for enlarged, liberal, and comprehensive views, this act places

him upon the highest pedestal of national statesmanship. The principles of this bill belong neither to the North nor to the South, but to the whole country. They are promulgated with no view to advance the interests of any one section, but to promote the peace and tranquility of all. They embody the vital principle of the Constitution; they reflect the recorded wisdom of the sages of the Revolution. They are the principles of justice, of equality, of free government, of popular sovereignty, of perpetual union, every departure from which has filled the country with commotion, and left behind it the scars of fraternal strife."—(*Appendix Cong. Globe*, 1*st Session* 33*d Cong.*, *vol.* 29, *page* 488.)

Extract from a speech of the Hon. J. H. LUMPKIN, of Georgia, delivered in the House of Representatives, August 2, 1856:

"It became necessary, in 1854, to provide a government for the Territories west of Missouri; and the Democratic party of the Senate and House of Representatives, faithful to their pledges and to the Constitution of the United States, did, in framing Governments for Kansas and Nebraska, incorporate the same principle, even to the very letter, of the language employed in the bill organizing Territorial Governments for Utah and New Mexico, and thus manifested their willingness to perpetuate the principles of non-intervention by any Congressional legislation on the purely domestic institution of negro slavery."—(*See Appendix Cong. Globe*, 1*st Session* 34*th Congress*, *vol.* 33, *page* 1128.)

Extract from a speech of the Hon. A. G. TALBOTT, of Kentucky, delivered in the House of Representatives, July 28, 1856:

"Well, sir, the slavery agitation ceased, the country was quieted, the measures of 1850 were approved by everybody and by every section; the more the principle of non-intervention was investigated, the more popular and acceptable it seemed to be. Every one who looked at it and investigated it saw at once that it was only carrying out the great principle upon which our Government is based—man's right and capability of self-government. They saw at once that it was only extending to the Territories precisely the same privileges which are now, and have been since the Government was first organized, enjoyed by every State in the Union. And in 1852, the Whig party and the Democratic party both met in national convention, and endorsed the principles of non-intervention, which had been so adopted in lieu of the Missouri restriction, in spirit and in substance." * * * *

"Now, sir, I say that in view of all these facts, Congress could not have done otherwise than pass the Kansas-Nebraska bill, just as it is. It is just, constitutional and right; it neither legislates slavery into nor excludes it from the Territories, but leaves the people thereof perfectly free to organize their own governments, and regulate their own domestic institutions for themselves. If, Mr. Chairman, the people are capable of self-government, who, in our country, will say they ought not to do it? If they have the right, who will say they shall not do it? If, then, they have both the capacity and the right, in reason's name, in the name of justice and our glorious Constitution, let them do it."—(*See Appendix Cong. Globe*, 1*st Session* 34*th Congress*, *vol.* 33, *page* 1240.)

Extracts from a speech of the Hon. MOSES NORRIS, Jr., of New Hampshire, in the Senate of the United States, March 3, 1854:

"Now, sir, I understand the spirit and true interest of this clause of the bill to be, that the legislation of 1850, organizing the Territories of Utah and New Mexico was grounded on the principle of the non-intervention of Congress with the institutions of slavery or any other domestic institution, in the Territories of the United States, and the States to be formed out of them, leaving the people free to form their own institutions for themselves; and that the principle of legislation thus agreed upon and established, as to Utah and New Mexico, ought to be final, not only as to these Territories, but as to all Territories organized after that time." * * *

"Now, I shall endeavor to maintain that the doctrine of non-interference on the part of the Federal Government with the institutions of the organized Territories was then established—leaving to the people of the Territories the rights of a free and popular government, with full power under the Constitution, to form their own domestic institutions as they may deem best suited to their condition. I shall endeavor to establish that. I shall endeavor to establish another fact; that this measure of non-intervention was carried by the almost united vote of the North against the great mass of Southern Senators in this Chamber, as establishing a prin-

ciple on which the North could stand, and not as a mere expedient, temporary, and limited in its operation, but as enduring. I will, by and by, appeal to the record in vindication of what I now say."—(*Appendix Cong. Globe, 1st Sess. 33d Cong., vol. 29, page 305.*)

Extract from a speech of Hon. J. B. WELLER, of California, in the United States Senate, February 13, 1854:

"But, sir, if this be a question between slavery and freedom, then the friends of this measure hold the freedom side of the question. WE PROPOSE THAT THE PEOPLE, THE ORIGINAL SOURCE OF ALL POWER, THOSE WHO SPOKE THIS GOVERNMENT INTO EXISTENCE, AND WHOSE AGENTS WE ARE, SHALL BE ALLOWED TO DECIDE FOR THEMSELVES WHAT LOCAL INSTITUTIONS SHALL EXIST AMONG THEM. On the other hand, the opponents of the measure advocate slavery. They contend that the American people shall not exercise this right; that their minds shall be enslaved; that their hands shall be tied up, and they prevented from a free decision, whether slavery shall exist there or not. We occupy the broad ground of freedom. We have an abiding confidence in the honesty and in the intelligence of the people. We are not afraid to trust them with the decision of this question. How stands it with you? I had supposed that you were the agents and representatives of the people; but it seems that the servant has become wiser than the master. You, who are invested with political power, are claiming now that you are better judges of what sort of government the people should have, than the people themselves. Is this so? Is there that vast amount of intelligence and of patriotism in the American Congress which makes us far better judges of what the people should have than the people themselves? Our whole system is based upon the principle that man is capable of self-government. The moment you violate this principle, that moment you transcend your authority, and destroy the vital element of the Republic.

"We propose that this, like all other questions, shall be left to the free decision of the people."—(*Appendix Cong. Globe, 1st Sess., 33d Cong., vol. 29, page 200.*)

Extract from the speech of the Hon. WM. H. ENGLISH, of Indiana, delivered in the House of Representatives, May 9, 1854:

"Mr. Chairman, I do not choose on this occasion to express any opinion as to the power of Congress to legislate for the Territories, because the impropriety of exercising such power is so clear, to my mind, as to make the consideration of the Constitutional question entirely unnecessary.

"I am willing, as I said upon a previous occasion, to trust the people with the power of regulating their domestic institutions in their own way, not only under State government, but through their regularly constituted Territorial Legislature. I hold that if the people are of sufficient numbers and importance to merit a Territorial government at all, they are capable of governing themselves. A man who has exercised the attributes of a free citizen in Indiana, or any other State, loses none of his powers of self-government by emigrating to a Territory. Is he less virtuous, less intelligent, less imbued with the spirit of patriotism and love of country because he resides in a Territory and not in a State? Is he less an object of government regard because he has gone into the wilderness to endure the hardships of frontier life in preparing a way for that tide of population, civilization, and empire which still flows to the West? Sir, such men can be trusted. I would refer the question of slavery, and all other questions, to them—to that best and safest of all tribunals—THE PEOPLE TO BE GOVERNED. They are the best judges of the soil, and climate, and wants of the country they inhabit, and they are the true judges of what will best suit their own condition and promote their welfare and happiness.

"And, sir, I am surprised, that in this Republic, in the year 1854, any party should be found to deny the privilege to such organized State and Territory of the Union of regulating their domestic institutions in their own way, subject to the Constitution, and, more particularly, that such anti-republican doctrines should be advanced by any one claiming to be a member of the Democratic party."—(*Appen. Cong. Globe, 1st Sess., 33d Cong., vol. 29, p. 608.*)

Extracts from a speech of Hon. M. MACDONALD, of Maine, delivered in the House of Representatives, April 10, 1854:

"PASS THIS BILL, GIVE THE PEOPLE OF THE TERRITORIES THE RIGHT TO DETERMINE FOR THEMSELVES THE QUESTION WHETHER THEY WILL TOLERATE SLAVERY OR NOT, AND THE QUESTION BECOMES LOCAL. No longer will there be inducements, and most certainly no

propriety in discussing the question at the North or in non-slaveholding communities.

"The bill commends itself especially to my own mind, because it contains the principle that the people of the Territories shall regulate their own domestic affairs. This right was the great feature of the Territorial bills of 1850, and is 'the lion in the path of agitation.' The doctrine that all just powers are derived from the consent of the governed, addresses itself to the dignity of man, and teaches him the lesson that his rights are not the grant of an earthly government, but 'the free gift of the King of Kings.' Sir, the sovereignty of the people, their right to rule in political affairs, was first proclaimed in the ears of the old world by our own Declaration of Independence. The tenacity with which our forefathers clung to this doctrine is written in the blood and carnage, the suffering and self-denial of the American Revolution. As the basis of permanent government, this principle was first recognized in the American Constitution. 'We, the people, do ordain and establish government,' are words of power which caused the kings of the earth to fear and tremble like Belshazzar of old, when the finger of a man's hand wrote over against the candlestick upon the plaster of the wall these words of fearful import, 'mene, mene, tekel, upharsin.' Our great growth as a nation, and our great prosperity as individuals, under the benign influence of the Constitution, are the legitimate fruit of the great truth that man is capable of self-government. This principle, sir, runs through the whole structure of our governmental organization. It is the central sun of our system around which revolves all other lights." * * *

"Sir, the whole head and front of the offending of the Nebraska bill hath this extent—no more: that it allows the people of the Territory to regulate their own affairs."—(*See Appen. Cong. Globe, 1st Sess., 33d Cong., vol. 29, p. 514.*)

Extract from a speech of Hon. J. R. Thomson, of New Jersey, in the Senate of the United States, February 28, 1854:

"The principle of this bill is the principle of self-government, a principle which alone prompted the Declaration of Independence. Sir, it was the seminal principle of the Constitution and the Government. It lies at the foundation of all our political institutions. It is the inalienable birthright of every American freeman. The recognition of this principle has been universal in our country with the single exception of the anomaly of dictating to the people of the Territories, (in some instances) their organic laws, instead of leaving them, like the rest of the people, to the exercise of their own volition. At this moment the country resounds with clamor, from a political party, whose policy it is to keep alive agitation, because it is proposed that Congress should abjure the exercise of irresponsible power, and leave the people of the Territories established by this bill to the enjoyment of their rights of self-government."—(*App. Cong. Globe, 1st Sess. 33d Cong., vol. 29, p. 255.*)

Extract from a speech of the Hon. R. Brodhead of Pennsylvania, in the United States Senate, February 28 1854:

"But, sir, is not the bill correct in principle and will it not work as well in practice as any other which can be adopted? Does it not give the people of the Territories the right to regulate their own domestic affairs in any way they please, not in violation of the Constitution of the United States? We are not asked to give protection to property in slaves, or say that the local Legislature shall not pass laws upon the subject of slavery. We do not say whether the slaveholder can or cannot hold a slave there by virtue of the Constitution; that is left an open question to be decided by the Supreme Court of the United States. And who can object to that? But, sir, if we put a provision in the bill, that up to the time of the formation of a State Constitution the owners of slaves should lawfully hold them there, it would be of no service to them because there would be no local police; so that the mere refusal of the Territorial Legislature to provide for the manner in which they shall be held and sold and treated and penalties for harboring them &c., would effectually exclude them."—(*Appendix Congressional Globe, 1st session, 33d Congress, vol. 29, p. 249.*)

Extracts from a speech of Hon. Wm. Bigler, of Pennsylvania, in the United States Senate, July 1, 1856:

"In 1850, when the peace of the country seemed to be in imminent danger, the experienced men of this body, such as Mr. Clay and Mr. Webster, and the venerable Senator in front of me, Mr. Cass, and others, conceived and presented a new mode

of adjustment. That was simply to take this question out of Congress and confide it to the people of the Territory—to submit it to their judgment and their will. For one I thought the principle an admirable one. It seemed to me that it ought to give entire satisfaction to the country and that it would have a salutary influence upon our national relations—a principle so perfectly in unison with our whole republican system of government, a mere recognition and extension to the territories of that vital principle of self-government—a principle suited to all times, all occasions and all territories and as imperishable as our mountains—no temporary remedy, no arbitrary rule, no perishable expedient, but simply this, that as the people of a State can at all times settle this question of domestic policy for themselves, Congress will enforce that the people of a territory shall have the same opportunity—that that power which is to be complete and exclusive when the people become a State, should operate during the territorial existence. Not only because it was perfectly right in principle, but because I believed it would be wise in practice, I preferred it to any which had previously been practised in the Government, or any other idea presented at the time antagonistic to it."—(*Appendix Congressional Globe*, 1*st session*, 34*th Congress, vol.* 33, *pages* 729, 730.)

Again, on the 9th of July 1856, in the Senate when Kansas affairs were under discussion Mr. BIGLER said:

"I want to put myself right on another point. I mean the question of the measure of power which the Territorial Legislature can exercise over the subject of slavery. On this point no man can misunderstand the import of the language of the Kansas bill; it is explicit to the effect, that the people shall be left perfectly free to decide the question according to their own pleasure; but it is a question of what degree of law making power it is competent for Congress to confer upon the people and Legislature of a Territory. It is a question of construing the constitution and thereforore a judicial question which I am not called upon to decide. But, sir, I have no views to conceal; I agree with the Senator from Michigan that the Territorial Legislature has entire control over the subject—is competent to establish, abolish or protect it. I can see but two sources of law-making power for the Territory—the one is Congress—the other is the people who inhabit the Territory, and it seems to me, that when Congress has conferred upon the people all the power it possessed, as in the case of Kansas, the people, through their local legislature, have an ample law-making power, equal to the control of the slavery or any other question."—(*See Appendix Cong. Globe, vol.* 33, *page* 843.)

Extract from a speech of the Hon. L. O'B. BRANCH, of North Carolina, in the House of Representatives, July 24, 1856:

"But it is said the bill allows the people resident there to prohibit the introduction of slavery before their admission into the Union. It contains no such feature. The thirty-second section declares its intent to be 'to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, SUBJECT ONLY TO THE CONSTITUTION OF THE UNITED STATES.' If the Constitution allows them to prohibit slavery, then the bill permits it: if the Constitution does not allow them to prohibit slavery, then the bill does not permit it. THE POWER OF THE PEOPLE DURING THE EXISTENCE OF THEIR TERRITORIAL GOVERNMENT, IS A JUDICIAL QUESTION TO BE SETTLED BY THE COURTS, IF A CASE SHOULD EVER ARISE INVOLVING THE QUESTION; AND WHATEVER CONGRESS MIGHT HAVE SAID IN THE BILL, IT COULD NOT HAVE ALTERED THE CONSTITUTION, NOR TAKEN THE QUESTION OUT OF THE HANDS OF THE COURTS. WHATEVER MAY BE THE DECISION OF THE COURTS, I WILL BE CONTENT; FOR I REGARD THE GREAT MAIN FEATURE OF THE BILL AS INFINITELY TRANSCENDING IN IMPORTANCE ANY OF THE MINOR QUESTIONS THAT CAN BE RAISED UNDER IT, AND I WOULD RATHER TRUST THE QUESTION TO THE PEOPLE OF THE TERRITORY THAN TO SUCH A CONGRESS AS WE NOW HAVE, AND ARE LIABLE TO HAVE, AT ANY TIME IN THE FUTURE.—(*App. Congressional Globe*, 1*st Session* 34*th Congress, vol.* 33, *pages* 1021, 1022.)

Extract from the speech of the Hon. HARRY HIBBERD, of New Hampshire, in the House of Representatives, May 8, 1854:

"As such the country understood and accepted it. It, sir, is the great and distinguishing feature of the pending bill. It is embodied there in the following words:

"'It being the true intent and meaning of this act not to legislate slavery into any Territory or State, nor to exclude it therefrom, but to leave the people thereof

pertectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States.'

"This, sir, is plain and explicit. It enumerates the broad doctrine of non-interference on the part of the Federal Government with the institution of slavery, and the control and regulation thereof by the States and Territories concerned. It is a principle which, to be understood, needs but to be stated, and to be approved needs but to be understood. It addresses itself to all our notions of expediency and right. It appeals to our strongest sympathies, is strengthened by our traditions, and sanctioned by all our experience as individuals and as a people. It is peculiarly congenial to the American mind, and dear to the American heart. Attachment to it the most unyielding has in all ages been a distinguishing characteristic of the race from which we sprung. Upon it the frame work and the details of our system of government, state and national, are based. For it the battles of the Revolution were fought. It was not for the money sought to be extorted by the Stamp act, and the duties on tea and sugar that our forefathers embarked in that perilous struggle. It was, sir, because a vital principle was involved—their right of self government was at stake—there was to be taxation without representation—they were to be made subjects of an uncontrolled central power. For this they took up arms; with God's blessing, they triumphed. The principle they established has been sacredly cherished, and will be faithfully maintained. It is the ground in which all our local and municipal institutions rest. It insists first upon national independence and separate sovereignty. It would leave to the central Government no power the State can properly exercise—to the State, no function which may as well be performed by the county—to the county, nothing that can as well be done by the town. It delegates to no human hands any power or prerogative which the individual citizen may with safety to others retain to himself. Its results are POPULAR SOVEREIGNTY, STATE RIGHTS, AND INDIVIDUAL FREEDOM. Wherever understood and applied, it has been in all lands and ages the surest safeguard of civil liberty—the strongest barrier against the encroachments of arbitrary power. That principle, sir, lies at the foundation of this bill. As a supporter of the Compromises of 1850, I voted for it then—I stand upon it now."—(*Appendix Cong. Globe, 1st Sess. 33d Cong., vol. 29, p. 624.*)

Extract from the Report of the Senate Committee on Territories, (Mr. Douglas, Chairman,) March 12, 1856:

"Your Committee have not considered it any part of their duty to examine and review each enactment and provision of the large volume of laws adopted by the Legislature of Kansas, upon almost every rightful subject of legislation, and affecting nearly every relation and interest in life, with a view either of their approval or disapproval by Congress; FOR THE REASON THAT THEY ARE LOCAL LAWS CONFINED IN THEIR OPERATION TO THE INTERNAL CONCERNS OF THE TERRITORY, THE CONTROL AND MANAGEMENT OF WHICH BY THE PRINCIPLES OF THE FEDERAL CONSTITUTION, AS WELL AS BY THE VERY TERMS OF THE KANSAS-NEBRASKA ACT, ARE CONFIDED TO THE PEOPLE OF THE TERRITORY TO BE DETERMINED BY THEMSELVES, THROUGH THEIR REPRESENTATIVES, IN THEIR LOCAL LEGISLATURE AND THEIR ASSENT TO THE LAWS UPON WHICH THEIR RIGHTS AND LIBERTIES MAY ALL DEPEND. Under these laws marriages have taken place; children have been born; deaths have occurred; estates have been distributed; contracts have been made; and rights have accrued which it is not competent for Congress to divest. If there can be a doubt in respect to the validity of these laws, growing out of the alleged irregularity of the election of the members of the Legislature, or the lawfulness of the place where its sessions were held, which it is competent for any tribunal to inquire into with a view to its decision at this day, and after the series of events which have ensued, IT MUST BE A JUDICIAL QUESTION OVER WHICH CONGRESS CAN HAVE NO CONTROL, AND WHICH CAN BE DETERMINED ONLY BY THE COURTS OF JUSTICE, UNDER THE PROTECTION AND SANCTION OF THE CONSTITUTION."—(*Senate Report, No. 34, from the Committee on Territories, 1st Sess., 34th Cong.*)

Extract from the national Democratic platform adopted at Cincinnati, June, 1856:

"And that we may more distinctly meet the issue on which a sectional party subsisting exclusively on slavery agitation, now relies to test the fidelity of the people, north and south, to the Constitution and the Union;

"1. *Resolved*, That claiming fellowship with and desiring the co-operation of all who regard the preservation of the Union under the Constitution as the paramount issue—and repudiating all sectional parties and platforms concerning domestic slavery which seek to embroil the States and incite to treason an armed resistance to law in the Territories, and whose avowed purposes if consummated must end in civil war and disunion,—THE AMERICAN DEMOCRACY RECOGNIZE AND ADOPT THE PRINCIPLES CONTAINED IN THE ORGANIC LAWS, ESTABLISHING THE TERRITORIES OF KANSAS AND NEBRASKA AS EMBODYING THE ONLY SOUND AND SAFE SOLUTION OF THE "SLAVERY QUESTION" UPON WHICH THE GREAT NATIONAL IDEA OF THE PEOPLE OF THIS WHOLE COUNTRY OAN REPOSE IN ITS DETERMINED CONSERVATISM OF THE UNION—NON-INTERFERENCE BY CONGRESS WITH SLAVERY IN STATE AND TERRITORY, OR IN THE DISTRICT OF COLUMBIA.

"2. That this was the basis of the compromises of 1850, confirmed by both the Democratic and Whig parties in National Conventions—ratified by the people in the election of 1852—and rightly applied to the organization of Territories in 1854.

"3. That by the uniform application of this Democratic principle to the organization of Territories and to the admission of new States, with or without domestic slavery, as they may elect, the equal rights of all will be preserved intact—the original compacts of the Constitution maintained inviolate—and the perpetuity and expansion of this Union insured to its utmost capacity of embracing in peace and harmony any future American State that may be constituted or annexed with a republican form of government."

This platform was adopted unanimously by the convention, the vote being taken by States and each delegation casting their united vote in its favor.

Extracts from the letter of acceptance of Mr. BUCHANAN, of the nomination of the Cincinnati Democratic Convention, June 16, 1856:

"In accepting the nomination, I need scarcely say that I accept, in the same spirit, the resolutions constituting the platform of principles erected by the Convention. To this platform I intend to confine myself throughout the canvass, believing that I have no right, as the candidate of the Democratic party, by answering interrogatories, to present new and different issues before the people." * * *

"The agitation on the question of domestic slavery has too long distracted and divided the people of this Union, and alienated their affections from each other. This agitation has assumed many forms since its commencement, but it now seems to be directed chiefly to the Territories; and judging from its present character, I think we may safely anticipate that it is rapidly approaching a 'finality.' THE RECENT LEGISLATION OF CONGRESS RESPECTING DOMESTIC SLAVERY, DERIVED, AS IT HAS BEEN, FROM THE ORIGINAL AND PURE FOUNTAIN OF LEGITIMATE POLITICAL POWER, THE WILL OF THE MAJORITY PROMISES, ERE LONG, TO ALLAY THE DANGEROUS EXCITEMENT. THIS LEGISLATION IS FOUNDED UPON PRINCIPLES AS ANCIENT AS FREE GOVERNMENT ITSELF, AND IN ACCORDANCE WITH THEM HAS SIMPLY DECLARED THAT THE PEOPLE OF A TERRITORY, LIKE THOSE OF A STATE, SHALL DECIDE FOR THEMSELVES WHETHER SLAVERY SHALL OR SHALL NOT EXIST WITHIN THEIR LIMITS.

"THE NEBRASKA-KANSAS ACT DOES NO MORE THAN GIVE THE FORCE OF LAW TO THIS ELEMENTARY PRINCIPLE OF SELF-GOVERNMENT, declaring it to be 'the true intent and meaning of this act, not to legislate slavery into any Territory or State, nor to exclude it therefrom; but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States.' THIS PRINCIPLE WILL SURELY NOT BE CONTROVERTED BY ANY INDIVIDUAL OF ANY PARTY PROFESSING DEVOTION TO POPULAR GOVERNMENT. BESIDES, HOW VAIN AND ILLUSORY, WOULD ANY OTHER PRINCIPLE PROVE IN PRACTICE IN REGARD TO **THE TERRITORIES.** This is apparent from the fact admitted by all, that after a Territory shall have entered the Union, and become a State, no constitutional power would then exist which could prevent it from either abolishing or establishing slavery as the case may be, according to its sovereign will and pleasure."